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DEMOCRACY

A STUDY OF GOVERNMENT

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A STUDY OF GOVERNMENT

BY

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NEW YORK

CHARLES SCRIBNER'S SONS

1899

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TROW DIRECTORY
PRINTING AND BOOKBINDING COMPANY
NEW YORK

MAR 27 1943

THIS BOOK

IS AFFECTIONATELY DEDICATED

TO ALL THOSE WHO DESPISE POLITICS

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PREFACE

Carlyle, after showing Emerson the House of Commons, thought he would annihilate his friend's optimism in politics by abruptly asking him, "Don't you believe in the Devil now?" The memory of this incident, and the condition of things in this country, suggested that the title for the present essay should be "The Devil's Harness." But publishers might fear a *bon mot* for a title, and the advocates of popular government might resent the imputations which it would seem to carry against their idol. Yet tragedy and comedy are sufficiently mingled in politics to justify a little *jeu d'esprit* in the proposition to restrain some of the tendencies of the age. Besides, it is hard to resist the temptation to indulge in a little irony at the expense of Mr. Lecky for his pessimism respecting democracy, even if the sequel should reveal more sympathy with his criticisms than usually lurks in satire. I have considered Mr. Lecky half right and half wrong: right in his animadversions, but wrong in his implied demand for a return to eighteenth century methods. Such a verdict, however, while it allows a writer the privi-

leges of a critic, also imposes duties that command the consideration of remedies for the political evils which it was not a part of Mr. Lecky's task to suggest. Of mere criticism, by both classes of political students, we have had enough, and more than enough. It is high time that something positive and constructive should be proposed. Barking at the Devil is not sufficient. Wearied, therefore, with the perpetual grumbling which is either unable to see a way out of the confusion, or too cynical and hopeless to try an escape, I have thrown all diffidence aside, and ventured, with an audacity that may surprise others as much as it does myself, to offer for debate a complete system of government, which is neither a reaction toward monarchy nor an acceptance of the *status quo*. If that confession frightens the reader, I beg of him to remember two things: (1) That the complexity of modern civilisation is so great that a single modification of political machinery will not suffice to solve the whole problem. (2) That the two main principles upon which the theory of government should be based are the adequate and immediate responsibility of the executive and legislative branches, and the integration and differentiation of functions which have operated so successfully in the organic and industrial worlds. If these two things are properly considered, there will be reason to think charitably of so large an undertaking,

especially that the author does not profess to regard it as an object of immediate practical politics, but only a conception of government which it is necessary to have in mind when proposing measures of reform.

It may interest some students of political questions to know that the reflections which instigated this attempt to construct a system of government were the result of my study of the poverty problem on the one hand, and of the exacting and impossible demands of civic duty on the other. Not that the outcome offers any cure for destitution, but that the study of it in connection with universal suffrage and the growing tendencies to Socialism convinced me that the solution of the political problem was the key to much else besides. What the poverty problem suggested was the necessity of methods that would both diminish the influence of a class which can neither govern itself nor others, and secure more responsibility for public officials, and with it more intelligence and honesty in the execution of their duties. What our exorbitant civic duties suggested was the necessity of simplifying the functions of the citizen. A man cannot be expected to spend every night at some campaign committee meeting. On the one hand, the people care very little for abstract politics, and object to despotic powers only when they feel its abuses personally. On the other hand, the citizens

shirk their duties, partly because they feel powerless to effect any reforms, partly because they cannot understand the many problems that they are called to solve, and partly because life has other pleasures and obligations than talking politics and running to the polls when the choice of rulers is between knaves. This situation led to a study of modern democracy and of political institutions whose development has not kept pace with the general growth of complexity in civilisation. I found no way out of the labyrinth, therefore, but to search for the principle upon which the regulation of complex social conditions should be based, and then to work it out in practical proposals which might at least illustrate the theory of government, if they did not offer a simple remedy for our troubles. We may shake our heads at the magnitude of the scheme which has been proposed, but the excuse for it is the real magnitude of the problem itself and the necessity for some general theory of government which shall be different from the method of "checks and balances," now obsolete, and which will offer an intelligible goal to such reforms as the condition of the age may make practicable and imperative. To those, however, who may be tempted to look for something simpler than the present proposals as a whole, I may say that there is no demand for a sudden revolution, or the casting of a whole new constitution, in order to move toward the end here

suggested. The last few pages of the work will show how great reforms may be initiated by small changes which may be left to grow. But I have provided in the larger view of the problem an articulated system of means for satisfying the complex demands of government as a whole, and a principle that may help to guide the development which a few practical measures may initiate. This is the apology for so large a speculation. The rest may be left to a critical public, while I am willing to see the work a scapegoat, if only it may set my countrymen to thinking.

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DEMOCRACY

CHAPTER I

INTRODUCTION

Mr. Lecky's recent work on "Democracy and Liberty" is more than a personal and isolated opinion on the tendencies of democratic institutions. It represents a wide-spread interest in the developments of modern politics. This is evinced by its reception among both friends and critics, who are conscious of the grave problems before us, but are undecided in regard to the remedy and divide only when the question is raised whether we should retrace our steps toward the political methods of the past or continue in the general direction in which we have started. Nor is Mr. Lecky's work a mere pessimistic outburst of one who does not like to witness political change, like the immortal polemic of Burke against the French Revolution, but it is a serious and grave accusation, supported by a large array of facts which are well calculated to arouse the defenders of democracy from their lethargic optimism. Few could

have imagined that such an immense and accumulative mass of facts was accessible to gratify the critic and to annoy the devotees of popular government. Thirty years ago such a work would not have been possible, or if possible would hardly have received more than a passing notice. Democracy was then enjoying the full exuberance of youth, at least in its modern form and in so far as the popular enthusiasm was concerned, and only the few who knew history and the theory of politics could have restrained their allegiance to its ideals or appreciated the need of caution. The New World had cut itself loose from the Old and attempted to work out its own destiny without any conscious regard to the past. The past had an influence on its institutions, but only a few master men in this early history were either aware of it or could direct political tendencies in any conservative channels. The majority of the people in the new continent knew too little of the past to be consciously influenced by its political ideals. This is even true of nearly every feature of its life, but especially in matters of religion and politics, and it has required the acute analysis of men like Sir Henry Maine to discover any connection between our forms of government and those of the mother country. Even these seem to have been adopted without any profound knowledge of their nature, and it has required a century of experience and advancing

enlightenment to enable us to discover the tendencies of our policy. Hence there are many observations in Mr. Lecky's volumes which could not have been made a generation or more ago. Their general distrust of democratic government is a characteristic as old as political speculation, in fact a maxim with Aristotle, and would not have disturbed the easy contentment of the last generation, for the reason that the alarming symptoms of the present had not appeared, though Macaulay's warning that our institutions would be more severely tested when we had our Manchesters and Liverpools, was given in time to make us think and even pause. The times, however, have changed. Unforeseen events have altered the situation, population has increased so as to heighten the struggle for existence, industrial development has complicated all social arrangements, customs, and morality, the pauper and semi-pauper classes hold the balance of power in politics with its blighting influences, and assaults on popular government can no longer be received with good-natured contempt and indifference. Above all, the doctrine of evolution has completely modified our ethical point of view from that of equality and mercy to the right of the strong and its aristocratic implications. Even the friends of democracy have been forced either to call for reforms or to acquiesce in their establishment in order to arrest the rapid progress toward

destruction, and this very confession of solicitude involved in such concessions affords some invigoration for the forces of reaction. When the idolaters of democracy begin to falter or to retreat it is time for the philosophers to take courage. That the status of political conditions is what it is here represented to be can best be shown by comparing the work of Mr. Lecky with that of De Tocqueville, and both with the political circumstances in which they arose.

De Tocqueville's volumes on "Democracy in America" are interesting on more than one account, and on none more than for their relation to the personality of the man and to the age in which he lived. He was an aristocrat by birth and education, and in spite of the natural influence of such antecedents upon his ideas he transcended his inherited prejudices in his estimation of democratic institutions, not only so far as to treat them in a tolerant spirit, beyond mere submission to the inevitable, but even to favour and to encourage their hopes, while he sought to moderate expectation and to warn the more adventurous among the supporters of democracy against the rocks and shoals that lay concealed in the path of its progress. It was his moral sympathies with man as man, with the plebs as well as with the nobility, that enabled him to be just toward democracy, while his knowledge of the vices and weakness of the classes that

possess more rights than duties inclined him to favour the aristocratic classes as the proper recipients of political power if they could, even from motives of self-interest, be induced to pay some homage to justice. The predominant characteristic of his mind was his sympathy with the rights of man and his consciousness that only the few are qualified to dispense impartially the justice which civilisation demands. Hence he divided his allegiance between the aims of democracy and the instruments of aristocracy. But he could hardly foresee the exact conditions which modern political students have to consider when they are called upon to discuss the problems of government. He was fresh from that fiery ordeal which had destroyed the tyranny of feudal institutions, and the most conservative, when they remembered the terrible injustice of the pre-revolutionary policy in France, and whatever their fears about democracy, could hardly have wished to see any return to the policies of Louis XIV. and Louis XV. He saw that social, political, and religious conditions had changed and that traditional methods could not meet the present exigencies of government; hence he accepted democracy with a tolerant though critical spirit, and indirectly, if not directly, allayed among intelligent men some of the suspicions naturally entertained against the new régime and the spirit of revolt which it embodied against the past—a spirit that seemed to

discriminate very little between the good and the bad in traditional institutions and that, consequently, was dominated by a desire to reconstruct civil government upon entirely new and opposite lines. He saw that the new tendency contained, for the time at least, a cure for the evils which only a hater of justice would defend or ignore, and hence bespoke for it that favour and toleration which human rights can claim as their legitimate protection. He was neither an optimist nor a pessimist in regard to democracy. The future of it was too little known to make him the former, and the conditions from which society had escaped by the French Revolution prevented him from being the latter. He recognised the evils of arbitrary government and its want of regard for individual rights, and rather than encourage the reaction which interested monarchists preferred, he chose to admit at least the relative merits of institutions which offered the only immediate escape from intolerable despotism. He therefore mediated between the advocates and opponents of democracy by refusing to indulge either in abstract speculation or in adulation for feudal imperialism, and by accepting the claims of popular government to satisfy the demands for better justice against the abuses that were inseparably associated with traditional policy. It was evident that the first problem of democratic government at that time was defensive

of rights whose security could not be assured in the hands of absolutists; and whatever its weakness in constructive policy, the necessity for securing justice and liberty of any kind was so urgent that apology for some natural defects was easy, if not imperative, and the progress of civilisation appeared possible only by preventing a return to those political methods which would have been doubly cruel and oppressive, because they would not only have represented the principles of the past, but they would have embodied a reactionary triumph against the growth of liberty. De Toequeville could therefore consistently uphold the spirit of democracy while cautioning its advocates against irrational enthusiasm for unfulfilled hopes and against equally irrational antagonism to the past.

It was in a letter to a friend that he himself summarised his own political convictions and sympathies more satisfactorily than any one else could do it for him. I therefore quote his own language. "People," he said, "want to make me a party man, which I am not. They ascribe to me passions when I have only opinions—or rather but one passion, the love of freedom and human dignity. All forms of government are in my eyes but means to satisfy this sacred and lawful passion of man. Democratic and aristocratic prejudices are alternately ascribed to me. I should perhaps have had these or those had I been born in another century or in another

country; but the accident of my birth has easily enabled me to defend myself against either tendency. I came into the world at the end of a long revolution, which, after having destroyed the former state of things, had created nothing lasting in its place. Aristocracy was already dead when I began to live, and democracy was not yet in existence. No instinct, therefore, impelled me blindly toward one or the other. I was an inhabitant of a country which had been for forty years trying everything and stopping definitely at nothing. I was not easily addicted to political illusions. Belonging myself to the old aristocracy of my country, I had no natural hatred or jealousy of aristocracy; nor had I any natural love of it, for people only attach themselves to what is in existence. I was near enough to judge it with knowledge, far enough to judge it without passion. The same may be said of the democratic element. No interest gave me a natural or necessary propensity to democracy; nor had democracy inflicted on me any personal injury. I had no particular motive to love it or to hate it, independently of my own reason. In a word, I was so well balanced between the past and the future that I did not feel myself naturally and instinctively drawn toward one or the other, and it was no great effort to me to take a tranquil survey of both sides."

It was natural that an age of transition should

bring, even from an aristocrat who had the sense of justice, some favourable expectations for democracy. More than this also, the influence of habit and tradition on mankind, which are the great conservative forces of social, religious, and political life, would guarantee, as they did, that democracy would not at once exhibit its inherent tendencies, and that the momentum of what was best in previous civilisation would continue into the new age, and carry its freight of blessing into the institutions that claim no direct lineage with aristocracy and would hardly acknowledge any inheritance from it.

But Mr. Lecky lives in another generation. The destructive work of democracy has largely been accomplished, and it has had to reconstruct the order of society after the momentum of the traditions which half sustained it at first had exhausted itself. The obstinacy and pride of aristocratic ideas have either been destroyed or reduced to the necessity of making favourable terms with the enemy, sometimes even wearing the mask of popular institutions. Democracy has become triumphant, in theory at least, if not in practice, and where its fruits are not threatened by the ugly spectre of anarchy and socialism. From being a militant force against tyranny it has become the vehicle of that power for which it was supposed to be a safe substitute, and against which it was equally a protest and a competitor. It has had a comparatively

free field for developing its policy and for fulfilling the hopes and promises of its votaries. It has undertaken its Herculean task in a sanguine mood and applied its machinery with unswerving devotion and confidence in its destiny. A century has passed and it still keeps on with the zeal of a missionary. It has lost none of the momentum which it received from the original impulse, and cherishes, if anything, an increased fear and animosity against monarchical power, though usurping and exercising functions quite as capricious, as irresponsible, and as dangerous to human welfare and the best results of civilisation as the despotism for which it professed to be a cure. Consequently the political millennium seems to be as far off as ever, and democracy has still to learn the lessons of its weakness and failure in the constitutions of Greece and Rome. Not that we are to consider Greece and Rome as pure illustrations of either its beneficent or its maleficent power, for they were in reality aristocracies founded upon slavery and a limited suffrage. But they conceded enough to popular sovereignty to exhibit its tendency when the struggle arose between free and slave labor on the one hand, and the large and small landholders on the other; so that their inevitable result was imperialism, after avenging their wrongs upon aristocracy. Ignorance and slavery were the weakness of ancient democracy, as the former is of the present, while

they were the nemesis against aristocratic pride and distinction; and though modern democracy has not been handicapped to the same extent by either of these forces, it has not been wholly exempt from class envy and the vanities of social distinction, and has at the same time managed to combine enough of anarchic tendencies to disappoint the expectations of its friends and to confirm the accusations of its enemies. There are many facts that indicate this general feeling. The disgust with French Republicanism, which is honeycombed with worse corruption than most of the monarchies, and which could not survive for a day except for the want of a respectable aspirant to the throne; the union of all parties in the world to suppress socialism and anarchism; the attitude of Castelar toward the Spanish monarchy after a life spent in the advocacy of republicanism; the recent English elections which revealed so much fear of radicalism; the ominous tendencies of American politics as exhibited in the recent presidential campaign—all these are symptoms of a condition that is far from the Utopia which enthusiasts for democracy have promised us. It is not that the monarchies of the time represent any saintly virtues in their ambitions and exercise of power, but that the social and moral forces which democracy lets loose show no conservative respect for justice, law, and order. The government of our cities is the best evidence

of this tendency. But the features that concern us more immediately are unjust taxation, costly government, "machine politics," the organisation of monopolies under state protective policy, degeneracy in the type of public officials, socialistic legislation, demagogic appeals to ignorance and private greed and betrayal of the hopes thus encouraged, defiance of intelligent public opinion, blackmailing of corporations, conferment of special favours either openly or by indirection upon various business agencies, and perpetual meddling with the laws of trade and the rights of individuals. All these, which it would require many pages or a volume to illustrate and prove, are the tendencies for which monarchy would have very quickly paid the penalty, and which are all the more dangerous in that democracy can offer no resistance to them except by changing its own character and moderating its own power. Monarchy may be forced to reform or abdicate by the sheer influence of numbers against its aggressions, but democracy has no enemy but itself, and has to be reformed from within and never from without. Democracy is made up of the individuals to be governed, and if they are the governors there will be no abdication and no external agencies to reform it in its derelictions.

Mr. Lecky canvasses the development of democratic influences in all modern countries affected by it in any form, as well as the laws, customs, and

institutions adopted or attacked by it. Its relation to excessive taxation, to the corruption of the franchise, to the decline in legislative morality, to the institution of private property which it was supposed to securely protect, to municipal corruption, to the exclusion of the best talent and character from its legislative and executive councils, and to laxity in public and private morals—all these subjects are discussed at a length which cannot even be summarised here to illustrate the nature of his accusations. But I shall quote one passage in illustration of the animadversions that are stored up in his two volumes, even to the extent of prolixity.

“The government of cities,” says Mr. Lecky, quoting Mr. Bryce, “is the one conspicuous failure of the United States. The faults of the State governments are insignificant compared with the extravagance, corruption, and mismanagement which mark the administration of most of the great cities. For these evils are not confined to one or two cities. There is not a city with a population of 200,000 where the poison-germs have not sprung into vigorous life, and in some of the smaller ones, down to 70,000, it needs no microscope to note the results of their growth. Even in cities of the third rank similar phenomena may occasionally be discerned; though there, as some one has said, the jet-black of New York or San Francisco dies away into a harmless gray. It should be added,” con-

tinues Mr. Lecky, " that there is no country in the world in which this question is more important than in the United States, for there is no country in which town life during the present century has increased so enormously and so rapidly. The proportion of the population who live in towns of over 8,000 inhabitants is said to have risen in that period from four to twenty-three per cent.

" Mr. Bryce has enumerated from good American sources the chief forms which this municipal robbery assumes. There are sales of monopolies in the use of public thoroughfares; systematic jobbing of contracts; enormous abuses of patronage; enormous overcharges for necessary public works. Cities have been compelled to buy land for parks and places because the owners wished to sell them; to grade, pave, and sewer streets without inhabitants in order to award corrupt contracts for the works; to purchase worthless properties at extravagant prices; to abolish one office and create another with the same duties, or to vary the functions of offices for the sole purpose of redistributing official emoluments; to make or keep the salary of an office unduly high in order that its tenant may pay largely to the party funds; to lengthen the term of office in order to secure the tenure of corrupt or incompetent men. When increasing taxation begins to arouse resistance, loans are launched under false pretences, and often with the assistance

of falsified accounts. In all the chief towns municipal debts have risen to colossal dimensions and increased with portentous rapidity. 'Within the twenty years from 1860 to 1880,' says an American writer, 'the debts of the cities of the Union rose from about \$100,000,000 to \$682,000,000. From 1860 to 1875 the increase of debt in eleven cities was 270.9 per cent., increase of taxation 362.2 per cent.; whereas the increase in taxable valuation was but 156.9 per cent. and increase in population but 70 per cent.' The New York Commissioners of 1876 probably understated the case when they declared that more than one-half of all the present city debts in the United States are the direct results of intentional and corrupt misrule."

This is one concrete example of Mr. Lecky's facts to prove his case, and I dare say that almost any citizen can verify such allegations from his own observations. In truth, volumes of them could be produced in support of Mr. Lecky, if his assertions are questioned. The history of the New York and Erie Canal is one of the best instances of notorious corruption which democracy has not been able to prevent, and it is only one of the thousands of cases that prevent any mitigation of the suspicions against democracy. The instances are not sporadic enough to relieve it of the distrust directed against it.

It is against all such defects and fatal tendencies

as these facts betray that Mr. Lecky's work is an impeachment without a remedy, and herein lies both the strength and the weakness of his position. Its strength appears in the circumstance that his opponents must refute his facts instead of picking flaws in a theory of government. On the other hand, the weakness of his method lies in the fact that it offers no cure for an evil which he implies is menacing, if he does not pronounce it intolerable. If Mr. Lecky had proposed a remedy involving any revolutionary tendencies backward his complaints would have gotten a very ready hearing and received hostile criticism enough. But mankind are indulgent even of evil when they see no way out of it. Change of any kind that does not clearly promise redemption from intolerable conditions is often feared as a worse evil than the *status quo*. We become adjusted to our environment and are content to remain in the worst of circumstances, in spite of complaint, if there is no hope of improvement. Men will bear the burdens they have rather than rush into evils they know not of. Hence they demand the promise of some paradise as an incentive to action for the improvement of the present in any respect. Mr. Lecky must, therefore, suffer from this instinct and inertia, which will not move to change even conscious evil, unless under the stimulus of hope and positive proposals. This conservatism which attaches itself as readily

to democracies as to other forms of society will set about criticising any proposition to change, especially if it be reactionary, instead of reforming the abuses laid to the charge of democracy.

But it is no refutation of Mr. Lecky to decry the perils of monarchy. He has only assailed the optimism and rosy promises of those who have offered society salvation from the injustice of the past by popular sovereignty, but who now seem to have given us a stone for bread. They are making the bitter discovery that civilisation depends upon something more than political machinery. It may be tantalising to be placed where the argument must be directed against facts instead of against a theory, but if the advocates of democracy are given the chance to use a *tu quoque* reply as the only escape from confusion, they are certain to evade the issue and to run off into matters that will only throw dust into our eyes. Mr. Lecky is therefore wise in his policy of limiting the discussion to the facts that impeach the value of democratic institutions, though he seems to favor a return to the despised politics of the last century. He can thereby enforce attention to the first and most important issue, which is the actual cause of present evils, whatever the remedy, rather than to a political theory which opponents of reform or change can easily assault.

It would require much space merely to summarise Mr. Lecky's indictments against democracy.

But it is neither desirable nor necessary to do so, as the scope and object of this volume does not demand a review of his criticisms. It suffices to remark the nature and extent of his animadversions, which turn upon every important function of government and social morality, and which reflect a growing distrust of democratic machinery, especially in regard to the most fundamental principles of civilisation, namely, the rights of private property and of private contract, in order to see what strength the attacks upon democratic institutions have. Mr. Lecky's observations and convictions are not advanced to prove the alleged defects, but to show what the tendency is among thoughtful men, and that it has to be met whether it is right or not. Sir Henry Maine's reflections on the same subject are equally suggestive. He also reminds optimists in very trenchant language of the obstacles that they have to overcome in sustaining the alleged perfections of popular government, and events themselves are forcing attention to the fact.

But if the critics of democracy, whether by assertion or innuendo, think that we must return to mediæval policy as the only escape from anarchy, they are hugging a delusion of a most inexcusable kind and betray complete ignorance of the principles from which reform can be expected. Not that the writers above-mentioned are uncompromising sticklers for the virtues of the past, for they

are mainly critics, but that they are exposed to the suspicion of at least covertly harbouring motives of this sort, because reaction is the natural resource of thought when it finds its hopes regarding an institution disappointed. History never goes backward, even when it is supposed to repeat itself, and though decline may seem to mark certain periods of the process. Each step of change involves the destruction of something that cannot be restored, but, at the same time, the institution of some new result that cannot be otherwise obtained. There may be retrograde motion in some particulars, but not in the whole mass of the social organism, unless all progress is to be denied. Nor is it that we are to expect political redemption by continuing as we are; for democratic government requires radical modifications, if it is to fulfil the pretensions of its admirers and to escape the present tendencies toward anarchy. But it is just as true that the monarchical institutions of the Middle Ages are as obsolete as the Holy Roman Empire, and for the same reasons. The development of individualism in state, church, and industry; the complexity of our civilisation, due to the solidarity of economic interests; the diversity of sentiments, racial, social, and religious, extending over large areas of territory, and the deeply imbued jealousy against arbitrary power which possesses the majority of mankind, have made very doubtful, if not impossible, any return

to the past forms of government that are not accompanied by adequate limitations and security for the intelligent and moral exercise of power. But even if the social forces of to-day are not inclined to accept reactionary measures of reform, this fact proves neither the wisdom of developing unmodified our present tendencies nor the fitness of the multitude to work out its own salvation without a change of political machinery. Although the masses have emancipated themselves from the political tyranny of the Middle Ages, at least as they imagined it to be, they have not emancipated themselves from the tyranny of their own improvidence, vices, and ignorance, which are not only quite as hard masters as unscrupulous despots, but are certain to produce political powers of that type. Those who cannot govern themselves cannot successfully govern others. They may have removed certain external restraints upon their freedom, which they interpret without any regard to the rights of others, but have not yet learned to exercise that liberty either in behalf of their own interests or consistently with the equal rights of their neighbors. They have obtained liberty without the corresponding intelligence and morality necessary to insure happiness, and so have gained power without responsibility, an immunity that should belong only to saints and gods. I do not mean to imply, however, that men should not have any liberty unless

they can avoid all mistakes and abuses of it. I mean to draw a distinction between the liberty to pursue one's own affairs and the liberty to exercise the functions of government. Liberty and power to *govern* others has far more limitations than the liberty or right to compete freely with others in the struggle for existence. In the latter case freedom may be the cure for its own abuses, but power to govern others or to determine social policy requires a grade of intelligence and morality not always commensurate with the right to personal liberty in private matters. But these qualities do not distinguish the multitude. They are shortsighted and capricious in their political action, moved by passion and selfish interest, inferior in their ideals, intellectual and moral, to those who are capable of keeping up the standard of civilisation, and while claiming the immunities and rights of political power blindly follow the unscrupulous leadership of demagogues and scoundrels. And it neither refutes this accusation nor provides a solution for our political problem to say that their more successful rivals for power often exhibit similar defects of character: for too frequently the possessors of this power are merely their own beneficiaries, and as far below the standard of high civilisation as their constituency can make them. Moreover, this multitude is moved more by personality than by principles, when the latter are

the condition of successful democracy if executive functions are to be minimised. Further, the masses refuse to share the economic risks of modern industrial life, as shown in the fact that labor combinations reject co-operation as a basis of social reform; they are improvident in marriage and the use of their incomes, this delinquency producing the competitive conditions against which they complain so bitterly; they are fully confident of their ability to govern society, while they fail in self-government, and though demanding the fruits of knowledge are as fatally jealous of intelligence as they are of political power. Add to this the fact that the franchise confers upon them a sovereignty as absolute and irresponsible as any enjoyed by a mediæval monarch, while their ignorance makes them as subservient to the arts of the demagogue as the besotted Greeks who followed Alcibiades and produced the Thirty Tyrants. This is a condition of things which requires to be escaped as well as the much dreaded evils of monarchy, and it avails nothing to escape Scylla by rushing into Charybdis.

The problem is much more than one of political machinery. It is also one of the ideas that furnish the motive power behind the machinery. The problem of constitutions is an important one, but it is subordinate to the intelligence and morality of the agencies that apply them. A constitution is an

agreed rule of procedure and assumes that the citizen will treat it with respect and obey it. It is nothing but a basis for calculating the future and inspiring confidence in those events that depend on the conjoint action of citizens. Consequently it is only an instrument for securing association in action where individual initiative would only reveal many cross purposes without it. But its whole efficiency is conditioned upon the willingness of citizens to abide by its requirements and upon the character of their action in applying it. Intellectual, moral, and economic conditions primarily determine the forces which we have to take into account in constructing the forms of government and in interpreting their usefulness. These forces express what the citizen will carry into effect. The constitution must represent the power of the best elements in the community, or it becomes merely a formal instrument for the sport of those who know how to evade it. It is an old maxim, too often forgotten by political students, that, important as machinery may be in the economy of government, its usefulness depends upon its concrete embodiment of men and social forces in the lives of its citizens. It is *ideas*, whether consciously or unconsciously held, that rule human life, both social and individual, and they constitute the real forces that determine the efficiency of constitutions and political machinery. To make any political

system successful for the object for which it is supposed to exist, there must be a common social idea to impel and govern it; otherwise, whether monarchic or democratic, it becomes an instrument either of anarchy or of despotism. This is to say that the primary point of view is the moral one, representing the forces behind the machine to make it go, and summarised they involve the *proper adjustment of intelligence and character to power and responsibility*. This is, of course, a truism, but we have to be reminded of it from time to time, partly as a starting-point for political reflection and partly because, simple as the maxim is, it is too often ignored or forgotten. What, then, are the ideas that govern modern life, and that make reactionary policies as unwise as they make reform imperative?

The answer to this question requires a brief survey of history in regard to the great principles or general ideas that have dominated different periods. The great and fundamental difference between the past and the present is the difference between *the economic and the ethical ideals*. The antithesis between the two may be denied, and both may be called ethical, if we like, but though they may be ethical in the broadest sense of the term, they are nevertheless of different types, the moral being more inclusive, and it will be convenient here to characterise them by the current antithesis between

economics and ethics, because the objects of the two kinds of volition are often different. But whether we choose to express the radical distinction between the past and the present by the prevailing antithesis between the ethical and the economical, there is certainly an important difference between the types of life characterised by modern economic impulses and mediæval religious conceptions. The Middle Ages were dominated by the religious, and the present by the economic ideal. But what is meant by them?

Rome bequeathed to mankind the idea of universal empire, and Christianity the idea of immortality. One is a political and the other is a religious ideal, either giving zest to the ethical ideal or terminating in it. Their various characteristics will come up in another connection. But both of them in common represented two facts of great importance. The first was the necessity of some sacrifice for the attainment of an end. The other was a common social object which insured co-operative action and which is possible only when men are united in interest and ideas. The political ideal involved the subjection or sacrifice of the individual to the state, and the religious ideal involved the sacrifice of the present to the future, a carnal to a spiritual life. The realisation of the political ideal required a central and imperial form of constitution with a military organisation and its correlate of

absolute obedience. Hence the type of government, whatever called, was monarchic. The realisation of the religious ideal demanded none of the functions of government at all. Its end was the perfection and the happiness of the individual, and though it was associated with the sovereignty of God and the affiliated idea of his government conceived after the political type of the time, no subjection to arbitrary human power was required to attain its object, until church and state were united. The kingdom of God was in the individual; the kingdom of this world was outside of him. But born and bred in a condition of social chaos, when the only hope of happiness lay in aiming at a transcendental state of existence and in suppressing the carnal or materialistic life, the religious ideal cultivated spiritual aspirations and sacrifices that involved a disregard of worldly pleasures and emoluments, of wealth and its enjoyments, and of all the material glory, pomp, and power that were embodied in the political conceptions of the age. Ancient politics represented the materialistic conception of life, though accompanied by institutions, themselves supported by religion and morality, such as the family, art, and science, which were destined to modify its pretensions and authority. But in spite of elements that were better than its imperialism, antiquity confined its main object to the satisfaction of material and secular wants, and cul-

tivated national glory in the interest of pure materialism, even if it was tinged with idealism, which is as compatible with sensuous as it is with spiritual ideals. The church, with its ideal of a paradisaic existence hereafter, kept alive the sacrifice of present enjoyment to immortality with its rewards, and thus encouraged an ascetic life with spiritualism as its philosophy. In its union with the state it combined both tendencies, adopting the secular type of social and political power and sustaining the sacrifice of the individual to the whole, while subordinating the present to the future.

But the final triumph of scepticism changed this situation. It both impaired the reverence for authority on which imperialism was founded and discredited the belief in immortality on which the religious ideal rested. The impairment of authority created the spirit of liberty, and the decline of the belief in immortality stimulated the economic ideal. Individualism became both political and industrial. Both influences established or encouraged a spirit of jealousy against central and arbitrary power, the one to protect personal liberty and the other to resist taxation. In this way began the reaction against the past. The economic ideal of the new age became the legatee of the materialism of imperial politics and of the individualism of religion, while democracy becomes the heir to the value of the individual associated with immortality.

But in neither of these does the old spiritual ideal find a place. This is left as an unprotected dower to the church, which has itself become thoroughly infected with scepticism. The economic ideal has seized every department of human activity wherever the slightest tinge of sceptical influence has appeared. Corroborative of all this it is interesting to remark that industrial development and the growth of political liberty, if they do not mark their birth, certainly received a strong impulse from the Protestant Reformation and grew wherever Protestantism gained the ascendancy. Both industrial development and scepticism characterise an ideal or ideals that antagonise every principle that dominated the Holy Roman Empire; one of them the "divine right of kings," and with it the associated imperialistic form of government, and the other the spiritual life in the kingdom of God, in so far as it was represented by a transcendental world beyond the grave. Consequently, the economic ideal which represents a purely secular type of life sets in operation, free from the fear of the gods, a whole system of motives opposed to the ascetic civilisation of the Middle Ages and supports them by the philosophic and political conceptions of individualism. The satisfaction of material wants has become the dominant aspiration of men. Wealth, luxury, entertainment, sensuous enjoyment, social caste and *éclat* based on property, and

general devotion to material ideals have been substituted for the spiritual hopes that had treated the carnal life as a sin. The universe, regarded merely as a vast mine or shop from which to draw the means for purely physical satisfaction, wealth, and power, presents the struggle for existence in all its naked savagery, supplanting thereby the socialism of primitive Christianity on the one hand and the individualistic hope of a life to come on the other. The egoism that had sacrificed the present to gain a superior happiness hereafter, having emancipated itself from the obligations of human brotherhood by abandoning Christian socialism, simply changed its highest good to the pursuit of wealth and sacrificed the rewards of immortality to economic materialism. The singular foil to all this is modern altruism which furnishes the moral force to socialism, and which is the inheritance saved from the wreck of imperialism on the one hand and of the belief in immortality on the other. But the release of the natural appetites from the repressive influence of the old religious asceticism, hopes, and fears has simply invested the economic ideal with an egoistic tendency that will no more allow restraint from imperial government than it will from theology, and hence it is futile to look for political salvation from a restoration of monarchical institutions. The jealousy against arbitrary power is too intense, too deeply seated, and too widely ex-

tended, and the absence of a general social ideal too apparent to encourage any hopes in that direction. Imperial methods with their vast powers of taxation and patronage are too dangerous in a civilisation as consolidated as ours is by territorial unity over vast areas and by a similar unity of economic interests. Industrial and property arrangements, interconnected with large territories and masses of population, are too delicately poised to be put at the mercy of the arbitrary functions of government, unless they are exercised by more intelligence and morality than are visible at present. The present complex condition of civilisation, with its delicate relation between population and the means for subsistence, requires for the adjustment of human life the stability of natural laws and a profound sense of justice. Monarchy may give stability, but it pays too little respect to liberty and justice. Democracy, if it has the sense of justice, has no stability and no capacity for governing. But whatever shortcoming we assign to democratic polity, the economic ideal and individual liberty must forever oppose a return to the simplicity of monarchic methods.

All this is true in spite of the counter tendencies to socialism, the nemesis of individualism, and sought as a redress against the tyranny of those who know how to direct democracy to their own uses, and though it disguises the imperialism from which

egoism would escape. One of the strangest illusions of the age is the belief of the socialist that, in the present state of human development, liberty, equality, and fraternity are compatible with his political scheme for curing poverty and attaining human happiness. It is the heir to the sentimental philanthropy of the church and its conception of equality and fraternity, but vainly supposes that it can eliminate the struggle for existence by constitutional forms and legislation, while the imperialism lurking in the background of its method would easily and quickly play havoc with the liberty which it invokes for support. But liberty, equality, and fraternity are inconsistent with each other as long as man is not moralised and as long as he remains infatuated with the economic ideal. They can be harmonised only when men have resolved to rival each other in prudence and virtue. Until then the arts of peace and the importance of industrial and political individualism will make men as cautious about socialism as they are opposed to imperialism, and reactionaries will be received as advisers who do not understand their problem. Yet Socialism is the natural product of the forces at work in present political conditions. It is an unconscious expression of the failure of democracy to fulfil its promises, while it rather inconsistently clings to the forms of popular government for the attainment of its ends. It is the revival of paternalism in the disguise of democracy and freedom.

On one point, however, socialist and anti-socialist are agreed. They agree that the drift of present tendencies is unendurable, and that it is not enough to quarrel with Mr. Lecky's inclination to praise the past. There are evils to be remedied which will undoubtedly restore imperialism as the only escape from anarchy, unless democracy can discover some means to correct its tendencies. This is indicated by a variety of important facts. Among the first is what is known as "machine politics." This is the most important symptom of danger, because it is actually imperialism in disguise. This menacing agency does not require to be described in this work, as men are sufficiently acquainted with its methods to justify the omission of all details, and only to mention its relation to democratic forms of government. As we shall ascertain later, it is partly due to the unwieldy and inefficient action of democracy and partly to the opportunities which our institutions offer for escape from political responsibility. Machine politics are completely subversive both of democracy and of the principle of responsibility for which democracy is supposed to stand. It constitutes nothing except a system of self-appointed rulers, and the principle of elective representation of which we boast becomes a farce. Public servants and officers can in some way, usually, be made responsible for the administration of government, but political bosses never, or at

least not until they have retired with plunder enough to live without politics. The despotism of Russia can lay some claim to legitimacy. The Czar obtains his throne and power by the forms of law and has a healthy fear of something, but not so with our bosses. They nominate our candidates for office and mortgage their support, so that we are ruled by men who are not elected to govern us at all, our nominal officers being the mere puppets of the machine. Public opinion is defied until its patience is exhausted, when it is gratified in some caprice, and it lapses back again into indifference and the old game goes on. Property of all kinds is blackmailed directly or indirectly, and business terrorised. Even vice and crime come in for tribute, as is well known. This is anarchy, not government, and yet we indulge the pleasing illusion that democracy is a paradise.

Another fact of which much complaint is made that it presents a serious danger to our institutions is the concentration of capital and business either in the hands of monopolies or in those of large corporations, who can exercise an undue influence upon the lives and fortunes of the general population. I do not sympathise with the widespread opinion that great accumulations of wealth are an intrinsic evil, for they are not. But when they add to their natural advantages over others the possession of political power, acquired by the defiance

of justice, they do certainly menace popular institutions. Wealth is a blessing or a curse, according to the manner of its acquisition and its consumption. Obtained by superior skill and intelligence, under equal conditions, it offers no excusable temptations to envy and jealousy, for it then represents only what every man can claim as the natural and legitimate reward of his labour. But when it is the result of political influence upon the machinery of government, such as protection, blackmail, legislative favours, etc., which represent some surreptitious form of taxation and police force, we are threatened with the repetition of the old Roman struggle between the proletariat and the property-holders. This undue influence of wealth, however, is not wholly caused by the selfishness of capitalists, but is quite as much the result of the necessity for defending property against the propensities of blackmailers elected to office by democracy. This necessity for self-defence relaxes the austerity of conscience even in those who would otherwise respect its commands. All the power and temptation are given those who have no regard for law under any circumstances. Consequently, under the present régime in democratic politics, with wealth compelled to employ political subreption for defence or enabled to use it for illegitimate advantages, it comes in for all the jealousy that men have been accustomed to entertain against imperialism, be-

cause it does represent something like the irresponsibility of despotism in the exercise of its power in the community. The existence of such an influence in society, especially when it contravenes the sentiment of equality and is a perpetual menace to justice, no matter what the form of government, will create a demand for political reforms.

There are other facts of the same import and pointing to the same conclusion. Among them are the complexity of our civilisation and the inadequacy of present government agencies to meet the responsibilities placed upon them. A small country, with a scanty population, few resources and industries, and similar social sentiments, may go on without much difficulty under democratic institutions. But a vast territory, with untold material wealth waiting for labor, a growing population, and with it an increase in the severity of the struggle for existence, and the great diversity of moral, economic, political, and social sentiments, must call for government that corresponds to this complexity. The increasing density of population, the growing intensity of the struggle between capital and labor, partly the effect of population and partly of the struggle for social position by the aristocracy of wealth, and the infinite complexity of the economic machine created by railways, canals, marine commerce, the telegraph, telephone, etc.—all these supply problems which the simple

institutions of the past cannot grapple with successfully, and something must be done to meet the new conditions. Our constitution was made when the conditions of life, economic, moral, and political, were very simple as compared with the present, and representatives could at least approximate the requirements made upon them by their constituents. But our constitutional methods are less elastic than those of England, and adjustment to the immeasurable changes of political and economic circumstances is rendered almost impossible by the cumbersome machinery of amendment. Moreover, the problems which confront our public agents require almost omniscience to solve them, while a glance at the beneficiaries of political honour and responsibility is sufficient to show how little of that quality is present. Congress has duties which it is impossible for the ordinary man to perform, however conscientious he may be, and elected, as members are too frequently, by a corrupt machine and an ignorant proletariat, there are wanting in the conditions that can insure a just exercise of power, and such power as is possessed is usually employed to satisfy either party or personal interests. The consciousness of impossible tasks must appal anyone who has the character to feel his duties to the public and to withstand the influences for evil arrayed about him. But the intelligent and honest man's impotency is the scoundrel's opportunity,

and official responsibilities are assumed only to show that honesty cannot stand the competition with demagoguery, while the public pays the penalty of all the vices which such a system must produce. To state the case in a word, the machinery of government is too simple for the problem which it is asked to solve, and we cannot neglect its modification, even if we dare not return to the monarchic methods of the past.

CHAPTER II

THE NATURE OF THE PROBLEM

We have said that we cannot return to monarchy and that we cannot stop with our present democratic methods. The reason is the same in both cases. The machinery of government in both a monarchy and our present system is too simple to meet the responsibilities of a highly complex civilisation. We must therefore reconstruct our methods to suit the existing conditions and their demands. But such a task requires us to deal with the whole theory of government, and it is one of great magnitude, as the history of theoretical politics abundantly proves. It will not be my purpose, however, to treat the subject with that detail which is the custom with political students, but to discuss the most general principles which determine government of any kind and its forms. Politics have a philosophic basis, or are intimately connected with the general ideas that are the subject of philosophic reflection, and hence are amenable to courts of philosophic jurisdiction. As a consequence of this fact it will be important to survey the general ideas

and moral forces that predetermine the movement of both theoretical and practical politics. In this way we may discover some clue to the kind of political reforms that the present situation demands.

If we look at history and philosophy we shall find that the discussion of theoretical politics always turns about the problems and conceptions of monarchy, oligarchy, and democracy, or the rule of the one, the few, and the many. This is the division adopted by Aristotle and perpetuated in philosophy ever since. Oligarchy was made convertible by him with aristocracy, though the literal interpretation of the term might not suggest that conception. Associated conceptions, besides that of mere number in the other two forms of polity, helped to produce this idea of oligarchy. But the principle of classification noticeable in his system is that of the mere number of rulers. I am going to contend, however, that this conception is either false or conceals from us the real problem involved in the theory of government. Political students yet need their Bacon to emancipate them from the authority of Aristotle in the settling of the problem which they attempt to solve. It is not a question of the number, but of the kind, of rulers, whatever the number may be, that society is to have if the best results are to be attained. Back of the question of the number of persons who shall participate in the functions of government are two more im-

portant questions: (1) The kind of rulers, and (2) the adjustment between power and responsibility in rulers. This latter principle has been at least partly but inadequately recognised in modern development of political theory and practice. But the two are prior in importance to all other considerations in government, while questions of how many shall take part in politics should be postponed until these are solved.

We have said that Aristotle classifies governments as monarchic, oligarchic, and democratic, with the recognition of a composite form to be noticed later. The first put power and the irresponsibility that attaches to it into the hands of *one* person, a despot; the second, in the hands of a *few*, the aristocrats; and the third, in the hands of *all* the *citizens*, the limitations of number in the last class being determined by what the word "citizen" should mean. In Aristotle's time the criterion of citizenship was (1) free birth and (2) Greek nationality. Slaves and barbarians were excluded. Democracy in modern times, after the adoption of the idea of universal brotherhood and equality, extends citizenship to nearly all members of the community and correspondingly modifies the social area occupied by the conception of popular government. But in respect to the number of human beings who have political rights and powers in Aristotle's "democracy," it was in reality an oli-

garchy. But, though we must understand by the term in his time a very different mode of government from that of the same name to-day, yet the classification of politics can remain the same. The principle of democracy remains as it was with Aristotle; namely, the distribution of political power over a larger area of numbers than in either a monarchy or an oligarchy. But in distinguishing governments by the number of rulers, Aristotle had in view, not that the agents and the beneficiaries of government should be the same persons, which constitutes the idea of *self*-government to-day, nor again that the right to political citizenship should coincide with manhood universally, but that irresponsible power could be divided in three ways, and legislation secured by three methods: namely, (1) By a single ruler; (2) By a select portion of the whole number of free native citizens; and (3) By the whole number of such citizens. He also recognises what we call a Republic, which he regarded as a combination of the others. This is representative government, which even passes as convertible with democracy. But Aristotle's democracy was not representative at all. It was direct legislation by the people after the type of the referendum. It was at least partly represented in the Athenian assemblies.

Political science, however, has not gone beyond the conception of the forms of government as classi-

fied by Aristotle. His authority ruled the Middle Ages in its philosophy as despotically as ever the church has done, and political science seems still to be under his sway in the matter of the general conceptions which shall determine the forms of government to be considered. It may be very convenient for historical purposes, but it completely conceals the true principles of politics which should regulate the constructive efforts of philosophic students. It is the failure to analyse the problem and to break away from the authority of Aristotle that prevents us from discovering the fundamental principle that has moved political history. His principle of classification was not philosophical, but historical, and based the organisation of government upon the number of persons who shall participate in it. But I must contend that this is wholly false for any scientific or philosophic purposes. It is not the *quantity* of men, but the *quality* of them that determines whether we shall have good government or not, while the whole development of history, reinforced at least by the speculative principle of Aristotle, has been toward the idea that good government can be obtained only by extending the area of citizenship and political power, regardless of the character which shall determine political action. This tendency, however, I must regard as a mistake, if it be interpreted as the last word on the subject. I grant that the

evolution of better political institutions may not have been able to take an easier course, and that the simple criterion of mere numbers may have been necessary to thoroughly purge the evils of ancient aristocracy, but this is no final reason why we should not seek for a new principle for government as did those who wished to correct the tendencies of aristocracy. The assumption of ancient polity was the same as the present. It drew no distinction between the agents and the beneficiaries of government. Reform accepted this assumption and demanded democracy, or the extension of citizenship and the suffrage. Aristocracy distributed political power and rewards in favor of intelligence, but at the expense of justice: democracy distributes them at the expense of intelligence, while trying, perhaps unsuccessfully, to satisfy the claims of justice. But democracy stands for the universal benefits of government, and hence in respect of the beneficiaries of it the development of government from monarchy through oligarchy to democracy has been toward better things, at least in comparison with the past. But it has not seen the necessity for discriminating between the agents and the beneficiaries of government, and hence the parallel development of political institutions to secure the right *quality* of men for citizens and officials has not occurred. This is the more important problem, and though political philosophers have recog-

nised the need for this desideratum they have been too much enslaved by the quantitative basis of politics to apply any ingenuity to discover a method for securing a qualitative basis. We require a system which will secure good rulers and universal benefits; that is, a system based upon the *quality* of men for citizens and *quantity* of them for the benefits of society. How this can be effected is the problem. At present, however, our democracy is merely nominal. We have a kakistocracy of plutocrat and proletariat for agents and beneficiaries, the plutocrats usually being the beneficiaries and the proletariat being agents in their own deception, instead of aristocracy for our rulers and democracy for the beneficiaries. Whether the latter is possible is the question, but it is certainly the ideal polity, and if any machinery can be devised which will adjust the quality of citizens and rulers to the larger quantity of men to receive the benefits of government it should be accepted with open arms, and a new step in political evolution initiated. That, however, is still the desideratum. To attain this end we require to devise some means of fixing political responsibility. In order to make this clear I shall have to examine the development of political theory, and while doing so analyse the problem as I understand it. I cannot, however, go into the subject with any great minuteness, but must treat it in broad outlines. Moreover, I shall treat it from

the standpoint of the development of *ideas* without much regard to chronological order. I wish to exhibit the social and political influence of ideas both as conscious and unconscious agencies in moulding institutions.

Speculation on politics and forms of government began very early in the history of intellectual culture, though not until physical philosophy and some of the arts had considerably advanced, especially those of poetry, painting, and sculpture. This speculation represented the reflective stage of progress, when the mind turns back upon accomplished facts and endeavours to analyse them, to discover their law or *raison d'être*, and to exercise some previsionary consideration for the regulation of future action. All conscious progress is dependent upon this discovery. Consciousness of the forces, physical or intellectual, that make events is a great help to action, in fact indispensable for all rational adjustment and development. But politics and government had long proceeded in their course without the direction of theoretical knowledge in regard to their forces, and hence upon assumptions which it was the business of philosophy to discover or bring into consciousness and not to create. Government and its necessities antecede theories of it, and are not created by them, though speculative ideas are additional aids to progress whenever they arise, in that they facilitate adjustment to all the conditions

affecting development. It is important to remark this retrogressive origin of all theory, and perhaps even its subsidiary value compared with the actual forces which it discovers and directs, in order not to mistake the nature and functions of theoretical knowledge which often obtains the credit of an influence that it does not possess. It may modify the direction of moral and physical forces, but it cannot create them. Hence it is not the condition of all government, but only of those incidents which follow the conscious direction of forces to an end which might escape the merely casual agency of nature and unconscious action. Consequently, it is interesting to remark that the forms of government had gone through considerable development before Greek speculation had touched upon them. The worst forms of despotism had been thrown off and large concessions made to the idea of democracy before the theoretical and reflective operations of philosophy had been applied to them, and hence without its predetermining influence upon this development. Hence it was that Aristotle's classification of politics was historical and not philosophical. But when philosophy began to test everything in its alembic, politics could not escape its analysis. This became especially true when, after Greece had secured her independence or safety from foreign invasion, she had to grapple with the problems that were created by internal dissensions. Questions

regarding the forms of government and domestic policy have a minor interest and importance while the community is engaged in the defence of its existence against outside adversaries. But the case is very different when the state has to contend with domestic foes. Here the problem of governmental institutions becomes one of great importance, and only the consciousness that the military régime which is adapted to defence against external enemies is dangerous to domestic peace and industry can divert the momentum of the ideas developed by military life from their destructive tendencies. Hence after Greece had escaped Persian conquest and had developed some of the seeds of internal corruption, her philosophers began to discuss the best form of government to realise the ideals of the community. *Plato's Republic* is the first definite expression of this interest, though *Aristotle's Politics* is the more scientific. But Plato has a more correct conception of the problem. He does not seek as Aristotle did to explain, but to reconstruct a political constitution. In spite, however, of its Utopian character, as it is often called, and of his failure to devise practical machinery to attain its really fundamental object; namely, recognition and distribution of justice among men, it was based upon the correct conception of the problem, and sought to place political power in the hands of intelligent and just men. His ideal was, therefore, correct,

and he failed to realise it only because he did not rise above his age in the practical machinery that he proposed and because he did not insist upon making the area of the beneficiaries of government larger than that of its agents. But Aristotle remained almost wholly within the limits of historical perspective in the treatment of political theory, and could not transcend the principle of mere number of citizens in the construction of political constitutions. Consequently, he only helped to intensify and perpetuate the conceptions which he discovered and the social forces which he made self-conscious.

To see what these ideas and forces were we have only to return to the general character of Greek civilisation, and here it is interesting to remark that the same conceptions lay at the basis of both the ante-reflective and the reflective stage of this early period. This fact enables us to disregard philosophy as such, and to examine the concrete elements of Greek political life and consciousness as they are related to the problem of government. The ideas, then, which made Greek political institutions and which made and limited the theories of them were the same, and may be summarised in two propositions: (1) The assumption of enormous powers in the hands of political authorities, and (2) The complete subordination of the individual and his rights to the state. The first of these ideas was at least

almost what theoretical politics would call absolute sovereignty, or unlimited and irresponsible power. It was the failure to place any value upon the individual that enabled the sovereignty of government to be so absolute, and hence it was only when civilisation began to recognise that value that any permanent limitations or restraints were placed upon what the idea of sovereignty represented. But what is sovereignty, and what does its absoluteness mean in the parlance of political science?

A complete answer to this question would take us very far into speculative problems of politics, and would, perhaps, involve much abstract discussion. But I shall not indulge, nor do I require to indulge, in any profound exposition of political sovereignty. A very brief account of its import for the theory of politics is all that is necessary.

In its strictest application "sovereignty" is simply irresponsible power. This is power without restraint or limitation, and is usually conceived in the form of absolute despotism, which is represented in the popular mind by the will of a single ruler. But the conception of absolute sovereignty is not limited to any particular number of rulers. It extends to any possible form of government within the threefold classification of Aristotle, and hence applies to democracy as well as to monarchy. Whatever the constitution, it is simply political power without legal restraints of any kind. Greek

politics may not have represented this sovereignty in its pure form, but strong government and vast administrative powers were exercised with a freedom from restraint that modern civilisation will not permit, except in extraordinary emergencies, and even then are subject to a jealous and vigilant scrutiny. That the range and intensity of political sovereignty in Greek civilisation was very great and merited the characterisation which I have given it is supported by the authority of Bluntschli. He says: "The Hellenic state, like the ancient state in general, because it was considered all-powerful, actually possessed too much power. It was all in all. The citizen was nothing, except as a member of the state. His whole existence depended on and was subject to the state. The Athenians indeed possessed and exercised intellectual freedom, but that was only because the Athenian state valued freedom generally, not because it recognised the rights of man. The independence of the family, home life, education, even conjugal fidelity, were in no way secure from state interference; still less of course the private property of the citizens. The state meddled in everything, and knew neither moral nor legal limits to its power." This was as true of the period of the Athenian assemblies as that of the earlier monarchies. It determined the conceptions under which the philosophers had to work, and with the philosophers' natural respect

for conservative habits, they remained in theory what they were in historical practice; namely, apparently the necessary assumptions for government of any kind. No such thing as limiting the sovereign power was thought of either in theory or practice. The question only regarded the persons who should possess it, or rather how many should possess it.

There were reasons in the social and economic conditions of the time for the existence of such authority. In the economic world complete individualism prevailed, in so far as each man or community was self-dependent. No widely extended commercial relations existed in the early period, and when they arose the problem of government changed. But the economic independence of the community, in so far as the means of subsistence were concerned, because the standard of living was low, made it unnecessary to quarrel with political power, however absolute, as long as it did not invade personal interests and rights. This is of course true in any age and conditions. But in this period of which we are speaking the opportunities for economic injustice were fewer than in our highly developed civilisation. On the other hand, the social conditions were not less effective in promoting tolerance of absolutism. They represented the militant type of life, when union was necessary for defence against foreign enemies, or when mili-

tary organisation was required to carry on aggressive conquest. Both defensive and aggressive military operations demand absolute power and authority in order to secure prompt and effective action, as is even still apparent in our own civilisation. Hence the fact that early society began in militant and military conditions shows what type of government represented the model upon which the institutions of Greece and Rome were built. They borrowed their conception of sovereignty or political power from the conditions of war which required as much exemption as possible from restraint and responsibility. Social and political inertia, with a whole system of conservative influences, enabled absolutism to continue the momentum of its methods, both practically and theoretically, far into the ages when it required modification. In fact it determined the type and impulse of imperialism ever afterward, just as science, literature, and philosophy have been determined by the same civilisation.

I have emphasized this characteristic of imperialism in Greco-Roman polity and its influence upon later ages wherever strong government was necessary, because too many attempts to remedy the evils connected with power of this kind have only sought to change the persons who shall be invested with imperial powers. Revolutions have directed their efforts to the transfer of sovereignty from

monarchy to oligarchy, and from oligarchy to democracy, instead of imitating the division of labor observed in the economic and the organic worlds. In the course of time this principle influenced politics as well as other departments of human activity, but the usual course in politics was merely a change of one set of rulers for another with unchanged powers, while the cause of complaint remained the same. No adequate revision of either the practice or the theory of sovereignty was undertaken, and hence in general the theory never got beyond being truistic, and the practice remained tyrannical when the sovereignty was in a monarchy and inefficient when it was in a democracy. But the main trouble with both theory and practice was the complexity of functions that were associated together in the conception of sovereignty. Both require that there shall be some ultimate court of appeal and authority which shall not be unduly hampered by restraints and limitations in the exercise of its power. But the simplicity of ancient constitutions which often combined legislative, judicial, and executive functions in the same person, and disregard of the distinction between the abstract and concrete problems of politics, led to confusion between the ruler and the absoluteness of his power, between the sovereign and sovereignty, or, in later parlance, between the executive and its irresponsibility. Modern devel-

opments have done much to recognise or imply a distinction between power and irresponsibility, but they have not yet exhausted its fertility, and it remains to receive the special attention of political students in the future. But we are still, directly or indirectly, under the influence of the idea that power to govern must be irresponsible, or if not this, that neither of them shall exist at all. Democracy is not a contradiction of this assertion. It shows a very marked tendency to make its officials at least nominally responsible, while it theoretically retains, in flat contradiction with its jealousy of the power of one man over another, the irresponsibility which everywhere else is considered so dangerous, and then in its own inability to use its powers intelligently and honestly results practically in the irresponsibility of its representatives. Thus the reaction against ancient policy fails to discover the source of the difficulties in government. It is simply the attempt to make the sovereign and sovereignty, or the representative and irresponsible power coincide. The one point to establish in the theory of government is the *responsibility of power*. This is sufficiently recognised in the modern theory of politics, where the representative is said to be responsible to the electorate, and perhaps also in other constitutional arrangements. But it is not carried out in detail as it may still be done. The most important distinction to be made, both in

theory and practice, is that between the responsibility of executives and representatives and the limitation of their powers. The facts which concealed this distinction in the concrete operations of government and which led to the establishment of official responsibility by the limitations of powers were the contradiction between the abstract ideas of sovereignty and responsibility and the embodiment of this sovereignty or imperial and irresponsible power in the executive. But I am going to insist upon the important distinction between the limitation and the responsibility of power. It was Hobbes and those who have followed and who have not improved his position that gave the setting to the theory which still conceals the method of realising the object consciously and unconsciously intended by the limitation of powers in the organisation of government. Hobbes defined sovereignty as irresponsible power. He said sovereignty is power, power is liberty, and liberty is irresponsibility. But Hobbes was not concerned with a merely abstract problem. He was employed at a practical scheme of politics, and because he feared the anarchical tendencies of democracy he simply invested the sovereign with irresponsibility instead of conceding it to the Puritan's commonwealth. He saw, as all political students must do, that irresponsibility must devolve somewhere in the functions of government, and for the sake of the efficiency, de-

spatch, and intelligent action in ruling society preferred to locate sovereignty in the executive. In his doctrine, therefore, sovereignty or irresponsibility and the executive were closely associated. But if we divest ourselves of the abstract theories of politics and think only of the concrete problems of government, with human nature the determinate factor in them, it will be possible to conceive, as the elective tenure of the executive implies, that the executive and other representatives can be made responsible in a more effective way than at present. To show how this can be done would be to anticipate. But it has been necessary to indicate that Hobbes was in reality giving theoretical expression to Greco-Roman imperialism, and that he did it at a time which marked the crisis between monarchy and democracy. But in the attempt to establish the responsibility of the crown or the executive the reaction retained Hobbes's doctrine in the sovereignty of the people, and sought to make the executive and representatives responsible partly by the limitation of their powers and partly by elective tenure. In England it was sought only by curtailing the powers of the crown: in America and republics generally both elective tenure and limitation of authority were applied. But in spite of the large curtailment of their powers the executive and legislative functionaries have their privileges and duties very much affected by an irresponsible

electorate, on the one hand, and by their leadership of the electorate, on the other. Taken in connection with "machine politics" they are practically irresponsible, except as occasional deference to public opinion may be construed as responsibility. But in reality neither this nor elective tenure are responsibility at all when the rulers can manipulate the electorate to suit themselves. But whatever the actual consequences, the resistance to imperialism sought relief from its dangers and abuses by limiting its powers and by adopting a system of "checks and balances" which assumed a conflict of interests as the only security against the predominance and tyranny of any one of them. Hence we find the political movement from monarchy through oligarchy to democracy, but with the limitation of powers for responsibility and less differentiation of structure and function than has occurred spontaneously in the economic world. The consequences of this will be examined again.

There were two principal reasons for the Greco-Roman imperialism and for the length of time that it prevailed. The first is that ancient civilisation placed no value upon the individual, and the second is that the problem of the legitimacy, or moral equity, of political action had not been suggested. The first of these reasons has already been mentioned, and requires no proof, since it is a commonplace of history. But the second is not so clear.

It is, however, a most important influence in determining both the nature and the incidents of ancient political institutions, in that the absence of modern ethical ideas, which are founded upon the value of the individual, left no other criterion for political conduct than the maxim that might makes right, embodied in national glory. This is clearly proved by the moral doctrines of the Sophists as well as by the actual practice of politics. Morality had no reference to the personal worth of the individual which it was the business of the state to protect, but was constituted by a purely social content, what was called the welfare of the state, and the only way to secure this was to command the absolute obedience of the citizen. Any authority that could effect this end was the object of necessary allegiance. No such thing as a divine law above kings was recognised, except by the poets and common people. The state had superior power to determine ideals and obligations for it. As the individual was to be sacrificed to it, no law existed above the safety and glory of the state. Such a thing as testing the legitimacy of political action by the standards of individual worth and morality was inconceivable. Of course, questions of justice and right with individual reference, especially in the development of Roman law, entered into the political constitution as a subsidiary end, just as they are a conscious element and the principal end

of modern life, but they were not the chief end of man in ancient political action as they are intended to be to-day. The exigencies of a military civilisation and a much less highly organised state of society gave rather free scope to arbitrary political power, governed by the expediency of the ruler and his party, who knew as well as their successors to-day how to combine personal interest with the national glory, and consequently ancient civilisation had no other example for morality than the rights of a commander and the virtues of a soldier. The social and altruistic point of view, on the one hand, and the subordination of everything, nature and the state equally, to the rights of the individual had not yet asserted themselves as the basis of all action.

Christianity created a revolution in this respect. It was a direct assault upon ancient morality and an indirect assault upon its politics. This was effected by changing the content and the direction, but not the point of view of the individualism that regulated ancient private life. I have said that ancient morality was confined to civic ends. But private conduct was under the dominion of personal interest, and this was materialistic, being sensuous satisfaction and wealth based upon slavery. Christian civilisation was spiritualistic and its individualism was not only concentrated upon immaterial ideals, but also required the sacrifice of

the present to the future and the subordination of self to the welfare of others. This change in content and direction of conduct was accomplished by its doctrine of the immortality of the soul. Usually this belief is assumed to represent a purely religious conception with no political importance whatever. But it was in fact the profoundest political force in history, and with its associated social and moral conceptions was both a revolutionising and a regenerating influence for higher civilisation. The more we examine into the nature of this doctrine, the motives to which it appealed, the moral equality which it proclaimed even between master and slave, the promises and hopes which it held out to the poor, its contempt for riches and abandonment of ancient political ideals and ends, the more we must recognise the natural antagonism which it aroused in pagan Rome with the prevailing devotion to the secular and military ideal. Patriotism and the virtues of soldiers and citizens directed only toward material happiness and national glory were not likely to characterise men whose aspirations were occupied with a spiritual world beyond the grave. Hence antiquity showed a perfectly natural and logical instinct when it endeavored by all the means in its power to crush the new society; for its conception of the brotherhood of man, of human rights, its indifference to politics, and the firmness and austerity of its conscience were moral forces that

sounded the death-knell of a civilisation which was based upon mere power. But I shall not dwell upon this feature of the new force, as I wish merely to summarise the conceptions which ultimately revolutionised political institutions, and since I have traced their lineage to the belief in the immortality of the soul and associated ideas it remains only to indicate how this doctrine effected such a result.

The revolutionary influence which was exerted by the doctrine of immortality was caused by *the value which it put upon the individual*. In Greek thought all moral values were placed in abstract institutions. The only approach to spiritual ideals that Greco-Roman civilisation produced was found in welfare of the state and the sacrifice of individual life and conduct to it. But Christianity put this value in the concrete individual for whom institutions existed, and not he for institutions. The new movement withdrew from politics at the outset, seeking the "kingdom of God" partly in the voluntary association of its votaries and partly in the purification and hopes of the soul. The mental and moral attitude of ancient thought, which had subordinated the individual to the whole was here completely reversed, and man was conceived as a being to whose interests and perfection both nature and government were to be contributory. In this conception of the world and man all rights and

values belonged to the individual, and not to political and physical powers above him. Thus a new centre of interest, social and moral, arose, making the subject and not the sovereign the ultimate reference of conduct. Hence it is no wonder that Christianity was so violently attacked by Paganism. This inversion of the ancient political ideal, the substitution of the spiritual kingdom of God for the material splendour of civic grandeur, and the installation of the rights of the individual against the absolute rights of the sovereign were revolutionary forces of incomparable magnitude, and made modern democracy inevitable. Imperialism and its military ideals were impossible where citizens sought peace on earth, good-will toward men, and supernal bliss in a transcendental world after death. Political absolutism can thrive only in an atmosphere of blind, passive obedience and belief in the divine right of kings when the civic ideal of Greco-Roman polity has vanished, and such a condition arises only when the individual despairs of salvation by personal faith and effort and devolves the task upon the state.

Paganism, however, did not die easily, and even when the religious system over which Christianity triumphed gave up the ghost, its political assumptions remained partly to antagonise and partly to assist the aims of the Church. The Phoenix rose from its own ashes. Ideas die only to live again

in some other form. The antagonism between the secular and the religious order, between the materialistic and the spiritualistic view of individual and political life, was not destroyed by the decline of Paganism, but remained to torment the Church throughout the Middle Ages, and sufficed often to so corrupt society that during much of the time no moral force whatever was left to protect social order itself except the beneficiaries of political power, who were still influenced by the glory of the Greco-Roman civic ideals and the lights and shadows which they reflected. The great struggle was between the Church and the State to determine which should be supreme. The fortunes of the Church were varying until it finally triumphed, swallowing up the political power in itself. But the Church had no genius for government, for the exercise of imperial functions. Both its constitution and its ideal were democratic. Its great object being individual salvation, it had always to act with this end in view, and hence its weapon had to be persuasion instead of force. It had to convince the subject as well as to govern him. Otherwise it could get no farther than Paganism. Faith as well as obedience was a condition of the salvation it offered, and this faith had to be supplied by the subject and not by the king. The Church often degenerated from this ideal, and when it did the imperial conception of Rome reappeared with a

theological dress in the doctrine of salvation by works, priestly confession, penance, indulgences, and passive obedience to an external power, and the true genius of Christianity had to recover its original significance in the Reformation. In the meantime, church and state were involved in political contests, each striving to obtain supremacy over the other, the state to subordinate the ecclesiastical to the civil power and the church trying to subject the civil to the ecclesiastical. But it is no part of this discussion to dwell upon the details of this struggle, especially as it disguises the real intellectual and moral conceptions at the basis of it, and which were the determining influences upon the tendencies of both theoretical and practical politics. The church had inherited the obligations of the Roman Empire and became responsible for the social order which the decay of the civil power threatened with dissolution, but her constitution, her aims, and the class upon whose support she relied were counter-forces to the imperialism which she envied. Personal salvation and the inculcation of dogma are not ends which readily commend themselves to the methods of politics and remain to work their way into human conviction by other means than force. Hence as the profession of the church did not suffer her to compete with imperialism in her method, she had to gain her point by scholastic philosophy and promises of salvation, and

instead of overpowering her enemies by the sword she set about converting them by logic and the hopes of paradise. Her Founder had counselled peace and good-will toward men, so that consistency and tradition forbade the employment of her rival's means for the extension of her territory, and consequently enjoined, at least by indirection, the use of some form of persuasion. In the kingdom of God warfare was to be a lost art, and though the contests in which reason has been engaged have not always been either as respectable as they might have been or fruitful in philosophic achievement they have consciously or unconsciously cultivated higher moral ideals than the animal struggles and human warfare, even though this result was gained by the decline of physical courage. The first step in this movement was the intellectual controversy between Greek philosophy and Christian dogma. It was the struggle between faith and reason. Faith, associated with the sense of an ultimate court of appeal both for knowledge and conduct, stood for authority and became the heir to the ideas that were embodied in imperialism: reason stood for the individual rights of the subject as against foreign intrusion and infringement. In the end reason conquered, but only by substituting individual assent for authority. Hence in spite of the dogmatism that allied itself with the authority of faith, when she used the court of reason, the church employed

a method which was destined to overthrow the spirit that she had inherited from Rome. It was not the nature of either reason or faith that determined the difference between their alliances: for both are compatible with either individualism or imperialism. In its original impulse faith was an activity that could be supplied only by the subject, and reason in Greek thought was equally an individual function of the man instead of an eternal influence. But the controversy with Greek philosophy caused them to diverge in their implications. The confessedly anomalous nature of Christian doctrine, the theory of grace which, including the fundamental necessity of faith for salvation, involved an agency foreign to the subject for his redemption, and the church's responsibility for social order, which requires obedience to power if government be necessary at all—these allied faith with the idea of authority, and left reason with the duty to sustain the rights of the individual. In respect to the state the church's point of attack was the supremacy of political power, and her claim lay in maintaining the superior allegiance of man to God and the church, and hence that the state was subordinate to the object of the ecclesiastic power. As this object was individual salvation, which the church could offer as a reward for obedience, she was reasonably sure of the victory and set the example of making the political ideals pay tribute to the spiritual. In

this way she forced subserviency to conceptions which, being democratic both in their logical tendencies and in the hopes they inspired, undermined her covetous political ambition to wield the sceptre of imperialism. But there were inherent contradictions in the policy of the church. Her strict adhesion to the principle of authority contradicted her democratic constitution, and the intellectual habits which her philosophy inculcated and encouraged undermined faith and authority, on the one hand, and stimulated individual liberty, on the other. But the contradiction was at least to some extent excusable in the conditions of the age, which required concessions to imperialism for the sake of social order, until intelligence was more widely distributed, as it became after the invention of printing, and until economic development availed to unify interests that had previously enjoyed larger independence. The railway, telegraph, and other instruments of commercial and economic solidarity have consolidated social and political interests to such an extent that the anarchic tendencies of democracy are not so great to-day as they were when intelligence was not widely distributed and individual communities were more self-sufficient than they are to-day. Until this condition of greater solidarity was created imperial methods had much to excuse them. But throughout this politico-economic struggle the most important influence against im-

perialism was the demand that all institutions, claims, and powers should *justify* themselves at the court of reason. The very controversy between faith and reason awakened an interest in mental habits which faith did not represent and which sought a *de jure* basis for conduct instead of the *de facto* status of mere power. An appeal to reason to justify a policy is an abandonment of imperialism and its use of force. It implies an internal resource for persuasion instead of an external method of compulsion. Force requires obedience; reason, assent, and assent can be determined only by the subject. Consequently, wherever rationalism sought to justify an institution or a law, it was forced to find its principle in the individual whose assent it sought, and not in external authority. Legitimacy was thus a conception which subordinated might to right and forced political power to get its sanction in the individual claims of man to respect. Greco-Roman civilisation was not exercised by any problems of abstract legitimacy above the welfare of the state as an organisation: Christian ages, even when they simply reinstated in the hands of God the power which they had refused to the civil ruler invested it with the idea of righteousness, and substituted universal justice for the caprice of imperialism. After idealising and spiritualising the Divine, the imperial conception lost much that was repulsive in its Greco-Roman embodiment, and formed a peaceful

alliance with reason to subordinate kings and their power to the rights of man. Sovereign and subjects became equals in the higher kingdom, reason being the arbiter between men, whatever the authority between man and his maker. The appeal to the right and to reason was therefore to discard the criterion of mere power, and though the church had many delinquencies to account for, she initiated an intellectual and moral influence that completely substituted the idea of legitimacy for that of power in the guidance of conduct.

It does not alter the position here taken to say that the church was governed by as unscrupulous men and aims as the state, and that it was anxious for power, benefices, and pelf of all kinds as kings and princes. For this accusation of corruption can be conceded as true. But while the motive and conduct of the ecclesiastical organisation were as offensive as those of the state, the priests and rulers of the church, even when they were hypocrites in disguise, and many were not this, used language that fostered an ideal in the minds of their simple followers which represented conceptions that were radically opposed to the unchristian methods of both political and ecclesiastical imperialism, and in the growth of this moral ideal is found the force that reformed both church and state. We do not always find history on the surface. This is especially true of ideas. They work below the surface, often

counteracting the influences which we suppose are the only ones in play. Men of the world often undermine their own systems of policy by cultivating conceptions that appear afterward to be the real but silent forces of history, though theirs is only a demagogic intention to protect themselves in power. They sow ideas broadcast with the expectation of controlling their influence when they themselves have secured power, and they may sometimes fool their own generation, but in the end they are hoist by their own petard. What Bastiat said of economic forces is also true in political and ecclesiastical matters. It is what we do not see that often means and effects more than what we do see. The history of the struggle between the church and the state shows the combatants on both sides often equally unscrupulous in their motives and deeds. But seldom did the state stand for anything more than the traditional ideas of imperialism culminating in Machiavelli, while the church, however corrupt the clergy and its rulers, which they often were not, always claimed the power and authority of God in its favour. Though its representatives too often embodied little of the divine in their life and conduct, the very opposition which it kept up between imperialism in politics and the divine rights of religion availed to give one term of the antithesis all the colouring of the ideal. To the common people God was idealised and contrasted with

the character of earthly sovereigns, and this all the more for the reason that he was never seen or felt in material form. The dualistic conceptions of the age enabled the mind to throw all responsibility for evil upon material agents and man. God, besides being idealised and spiritualised, also took on the Christian attribute of benevolence and appeared as interested in man's welfare or salvation. Hence, no matter what its motives in playing upon the hopes and fears of the common people, the church was creating a moral force of great power and significance for revolutionising the traditions of imperialism both in the state and within its own domain. The development of this idea did not need the sincerity of those who appealed to it. It was sufficient that the ideal was invoked in language and defined in contrast with the secular power, and so left to grow in the minds of the common people, until kings learned to invoke the idea of *justice* instead of *power* in their efforts to curb the influence of the church. It was in this way that the church conquered by its ideas and not by its political policy. But it conquered in precisely the same way in which Rome conquered the northern nations of Europe. The barbarians overthrew the empire, but only to be silently conquered by Roman civilisation. Similarly Rome vanquished Greece, but could not withstand the influence of her ideas. The church had attacked the arbitrary imperialism of the state by

representing that political institutions were dependent upon divine authority and subordinated to the object which Christianity had placed under its auspices; namely, the salvation of the individual. Her first weapon was persuasion, but as she grew stronger she imitated the policy of her adversary. She failed, however, to conquer the political power by usurping the methods of imperialism. Still she might have succeeded even in this endeavour had not the moral ideas in which she was not always sincere conquered the state, or been employed by it, in its own victory over the church. The state simply won over the citizen by offering to be his servant, and ever since political power has not the audacity to claim any privileges except to defend its subjects. The only difference between the formula that represents the object of the state and that which defines the aim of the church is that in one we speak of the salvation and in the other of the welfare of man. The secular and the religious ideas still differ, the one aiming at the future and the other at the present happiness of men, but they agree in their subordination of all institutions to the rights of the individual. The church and the state divided the territory between them and imperialism became the prey of democracy.

The tendency of all this is most clearly seen in the political philosophy of Hobbes, in whose theory of the state the final struggle between imperialism

and individualism is waged. The church had not been conscious of the anarchic tendencies inherent in the idea of individual rights, the liberty of reason and conscience, and the reformation which matured the antagonism to imperialism within the church had only unchained a set of forces that threatened to shake the thrones of Europe to their foundations, the political issue being incipient in the execution of Charles the First, and ripening in the French Revolution. In the meantime and before its consequences were fully realised, the policy of the Puritans in England had frightened the philosophers of political order, while it offended and united the interests of both state and church against it. Hobbes thought he saw his "original state of war" coming again, and fearing the consequences of the system in which the rights of individual conscience were supreme, he propounded his doctrine of sovereignty, which, though not theoretically new, was simply a philosophic expression for the "divine right of kings" in the practical politics of his time, and exempted the supreme civil authority from political responsibility. The legal maxim or fiction that "the king can do no wrong" is a practical formula for this conception of absolutism. But the theory of Hobbes was the last effort to revive despotism and to counteract the tendencies toward democracy. Freedom had been unchained and could not again be allured into ambush.

The view here taken of Hobbes may easily misrepresent him. It may characterise him as the advocate of bad government, for which absolutism appears to stand in the eyes of democracy. But it was not the intention of Hobbes to defend despotism at the expense of justice. Nor was there any indirection in his methods. His work was not surrounded with any of the suspicions that haunt the name of Machiavelli. Hobbes had a perfectly intelligible problem. Theoretical politics had come to grapple with the questions that had for so many centuries baffled the resources of practical statesmen. Political science demanded a theoretical basis of authority which did not confuse might with right, on the one hand, and did not associate right with anarchy, on the other. The struggle between imperialism and individualism, both as a theoretical and a practical problem, still remained unsolved. There was no disposition to compromise their claims, or to divide up the functions of social and political action between them. Each asserted its right to solve the problem alone. But in this method no progress was made. History only reported the alternate failures of despotism and democracy, and Hobbes saw that the whole work of both theoretical and practical government had still to be done. The theoretical problem was the principle of legitimacy: the practical problem was the method of securing efficiency in the preservation of order. Hobbes un-

dertook to solve both problems at one stroke. He endeavoured to correct the aberrations of democratic individualism by showing the importance of a supreme central authority, and to insure its freedom and efficiency of action he endowed it with what is known as "sovereignty" in political philosophy.

It will be necessary at this stage of the problem to examine more fully what is meant by this doctrine of "sovereignty." It was not wholly new in political science. Hobbes had been anticipated in the main principle by Bodin a century before. This author gave expression to the theoretical importance of absolute power. "He is entitled," says Sir Frederick Pollock, "to share with Hobbes the renown of having founded the modern theory of the state; and it may be said of him that he seized on the vital point of it at the earliest time when it was possible. The doctrine referred to is that of political sovereignty. In every independent community governed by law there must be some authority, whether residing in one person or several, whereby the laws themselves are established, and from which they proceed. And this power, being the source of law, must itself be above the law: not above duty and moral responsibility, as Bodin carefully explains; but above the municipal ordinances of the particular state—the positive laws, in modern phrase—which it creates and enforces. Find the person or persons whom the constitution of the state perma-

nently invests with such authority, under whatever name, and you have found the sovereign. ‘Sovereignty is a power supreme over citizens and subjects, itself not bound by the laws.’ This power somewhere is necessary to an independent State, and its presence is the test of national independence. Such is in outline the principle of sovereignty as stated by Bodin, taken up a century later by Hobbes, and adopted by all modern publicists with only more or less variation in the manner of statement.” The most significant phrase in this passage is Sir Frederick Pollock’s qualification of this sovereignty by “duty and moral responsibility.” Such a qualification was possible only after the establishment of Christianity, which put a certain morality above the law. Ancient sovereignty, practical not theoretical, did not distinguish between political and moral responsibility or irresponsibility. It did not confer political irresponsibility and at the same time urge the idea of moral responsibility. Both functions were endowed with the same attribute. It was not that an “irresponsible” ruler had no duties, but that, in the absence of democratic methods, there was no theoretical or practical restraint upon his authority which might be called “responsibility.” The whole tendency of the mediæval period, with its conflict between the principles of might and right, between authority and legitimacy, was to insist upon moral responsibility even when political irresponsibility

bility was conceded, and in the development of theory it was merely a device to escape a logical concession to despotism. This development, however, forced Hobbes into a curious combination of the ideas of sovereignty and social contract, with a limitation upon the right of revising the contract that committed him to sympathy with absolutism, and so aligned him against democracy. His idea of sovereignty is mediæval imperialism pure and simple; his idea of social contract is democracy pure and simple, as we see in Rousseau. But he robbed it of its sting by refusing it the right of changing its constitution. This limitation upon the rights of the social contract indicates very clearly that his democracy was only abstract. He would not permit the concrete application of contract at the pleasure of the citizens. Hence he virtually distinguished between abstract and concrete democracy. But he was not so scrupulous with his doctrine of sovereignty. Modern theory distinguishes between abstract sovereignty, as absolute power somewhere, and its practical application in a particular person or place. Not so with Hobbes. His is as much a practical as it is a theoretical problem, and he places his sovereignty in a monarchical agent, though deriving it ultimately from the social contract. Summarising his doctrine Sir Frederick Pollock says: "The sovereign's authority is derived from the consent of the subjects, and he is their agent for

the purpose of directing their united strength for the common benefit; but he is an agent with an unlimited discretion, and with an authority which cannot be revoked. The subjects cannot change the form of government, for that would be a breach of the original covenant both toward the sovereign and toward one another. The sovereign cannot forfeit his power, for he made no covenant, and there is none therefore which he can break. Any subject who dissents from the institution of the sovereign thereby ceases to be a member of the community and remits himself to the original state of war, in which anyone who can may destroy him without violating any right. For similar reasons the sovereign is irresponsible and unpunishable. No man can complain of what his agent does within the authority given him, and in the case of a political sovereign all acts of sovereignty have been authorised beforehand by all the subjects. Holders of sovereignty may commit iniquity but not injustice. The sovereign, again, is the sole judge of what is necessary for the defense and security of the commonwealth, and, in particular, of the question what doctrines are fit to be taught in it. There are likewise annexed to sovereignty the powers of legislature and judicature, of making war and peace, of choosing counsellors and officers, of rewarding and punishing, and of regulating titles and precedence. All these rights are indivisible and incommunicable;

the sovereign may delegate them, but cannot abandon them."

This language could be used to describe the ultimate authority in any form of government, provided that the terms "sovereign" and "sovereignty" are taken in their abstract sense. But Hobbes was anxious to hold that the "sovereign" in England was the King, and this interest in the concrete embodiment of absolute power gave his theory an imperialistic import. Hence the practical politician and statesman seized the opportunity to convert this theoretical position into the support of tyrannical government. Hobbes's primary intention was to qualify the anarchy of individualism by the unlimited sovereignty of the central government, and it was only an accident of practical politics that turned his doctrine into an apology for despotism. But he himself encouraged this tendency by the failure to distinguish between the abstract theory of political power and the concrete embodiment of it. He did not suspect the principle which has gradually, though imperfectly, worked its way into modern politics; namely, the division of functions, but assumed too readily that the problem had to be solved on the lines of the opposition between monarchy and democracy. "It does not occur to him," says Sir Frederick Pollock, "as possible that sovereignty should be vested in a compound as well as in a simple body." In his fear of anarchy,

on the one hand, therefore, and in the failure to differentiate political functions, on the other, he gained his point by denying the responsibility of the crown, and this was done simply by making power and liberty convertible conceptions. He defined the complete antithesis between monarchy and democracy by this simple identification of power and liberty, and chose absolute monarchy as the only safe type of government. Liberty meant to him irresponsibility, and feeling that there could be no compromise between the liberty of the people and that of the king, he thought that its possession by the people could only result in anarchy. This is true in the unlimited sense in which liberty is conceivable. He therefore defended the irresponsibility of the crown, partly as a necessity for his theory and partly as a measure of practical politics in the interest of efficient government, though as a concession to English history he did not oppose a *limitation* of the crown's functions. Such powers as he left it, and they were the most important, were absolute and irresponsible. But his general theory both speculatively and practically was the last fruit of scholasticism and imperialism in government, inasmuch as he endeavoured to unite the ideas and functions of authority and legitimacy, might and right, in the same power without the attribute of responsibility. He was endeavouring to check the disintegrating accidents of the Reformation by asserting a function for imperial powers.

But the tendencies of history would not tolerate either the conception or the application of so much arbitrary power. The English people had found it necessary to place important restraints upon the authority of the crown and would not submit to a policy that represented a reaction against the hardly won conquests of individual liberty. Instead of leaving the functions of the crown intact, so far as their scope is concerned, and introducing some machinery to make it responsible, they took away nearly all power from the king, following Hobbes and leaving him irresponsible in what he still possessed, and made the ministry responsible partly to the crown and partly to Parliament, and both the ministry and Parliament to the people. This resulted in a natural movement toward democracy and the transfer of irresponsibility from the king to the people, depriving the crown of executive power, until Parliament has become omnipotent and the crown absolutely impotent except as a distributor of patronage. Parliament is even more powerful than our own Congress, and can make and unmake the constitution at will, while Congress is circumscribed both by the written constitution and the Supreme Court. The omnipotence of Parliament would have been the black beast of Hobbes, a Leviathan of a more dangerous sort than the one he contemplated. But it was only the logical outcome of his theory of absolutism. The public had been

taught that the "sovereign" was irresponsible, and not being able to get justice from the crown it simply transferred the king's powers to itself. The crown retained its irresponsibility at the expense of its power, at least its executive power. The people obtained both, at least in a theoretical sense. But Parliament occupied a peculiar position. Besides being responsible to the people, as an elective body, it was also responsible to the crown which could dissolve it, and the ministry, appointed by the crown, was responsible both to the crown and Parliament. The ministry in fact inherited the executive functions of the crown, so that this double responsibility of that power becomes a matter of extreme interest. All this is a decided reaction against the whole doctrine of Hobbes. Outside of England the democratic tendency, which the reaction represents, has been more toward the principle of "checks and balances" than in the country which was its home. The two Houses of Parliament serve somewhat at least as checks upon each other. But the chief interest to the political student lies in the peculiar function of the crown to apply responsibility to agencies which in this country are practically irresponsible. We have tried to obtain responsibility for the executive powers partly by constitutional limitations and partly by elective tenure. These restraints, however, are not effective, as they too often prohibit instead of encourage action on the

part of those best qualified to administer government. Hobbes and his school have so thoroughly inoculated us with the assumption that power and irresponsibility stand or fall together that we restrict the power to act and govern in order to secure responsibility. *The true conception of government is power and responsibility, and not power and irresponsibility, as Hobbes conceives it.* It is along the line of this assumption that I wish later to suggest some reforms. In the meantime, however, I wish to emphasise the sharpness of the distinction between the two schools of political theory, and to show that the reaction against the theory and practice of Hobbes's time has not taken adequate account of the complexity of the problem. Both conceive or represent it as a question of the locus of the whole power of government. Hobbes aims at unity and efficiency of action as against the anarchy of individualism, and his opponents prefer the irresponsibility of the citizens to the imperialism of the king. The struggle has been between absolute monarchy and absolute democracy, with the latter coming off victorious, some compromises having been adopted to tide over immediate dangers. But assuming that power meant liberty and irresponsibility, the reaction against Hobbes sought to counteract tyranny by imposing prohibitions and restrictions upon central government agencies and by making both executive and legislative bodies elec-

tive, a mere paper responsibility in both cases. The whole tendency has been more and more to restrict executive functions. We are as jealous of power as mankind have ever been, and rather than allow our rulers to possess any large amount of it, we make mere figure-heads of them and leave the functions of government to irresponsible deliberative assemblies. Consequently, with the loss of the efficiency involved in Hobbes's idea, with the demand for it, and with the inability of the masses to effect unity and constancy of action necessary in our complex civilisation, the emergency gives us Hobbes's doctrine in the very practical form of the irresponsible "political boss." The dangers of his rule, the anarchy of our legislatures, and the jealousy which we entertain against large executive powers drive us logically toward the referendum and initiative, which will make intermediate legislative functions and agencies merely vestigial in their nature, and which is the last development of the idea that power and irresponsibility go together. Theory and practice fluctuate between the two extremes of imperialism and pure democracy.

The development of government away from Hobbes's conception of sovereignty has taken two directions. The *first* is an attempt to establish the *responsibility* of executive and legislative officers. It was quickly seen that irresponsible power could not be tolerated in a social and industrial civilisa-

tion, but only in a military system, and that some way had to be obtained to bring political agents to account. A variety of influences contributed to this result. But the main institution for the purpose was elective tenure. This was probably as much suggested by the policy of the church as it certainly was by the idea for which the church stood; namely, the salvation and the welfare of the individual. The church, as we have seen, had always been democratic. It elected its officers and exacted of them a life of service for others. When then it came to making kings responsible elective tenure offered the method and public service the object of political institutions. But the development of politics soon lost sight of the principle of responsibility which had started its opposition to despotism and concentrated its attention upon the democratic object of elective methods. Elective tenure, however, though it may increase the power of the citizen, does not, in the complicated action of modern society, effect all that the principle of responsibility calls for, and has also too often failed to secure an intelligent and conscientious governing class. Something in addition to elective tenure is required to establish that condition. What this shall be must be presented again when we have discovered the principle that is to direct the organisation of political machinery. For the present we have only to remark the method that has been employed to correct Hobbes's theory

of sovereignty and the evils of mediæval imperialism.

The *second* tendency in the reaction against Hobbes and his school was the *limitation* of the sovereign which was accomplished partly by constitutional restraints and partly by institutional bodies endowed with the powers forbidden to the sovereign. Written and unwritten constitutions illustrate the first of these limitations. Legislative, judicial, and ministerial agencies illustrate the second, and suggest also the principle which we wish to carry out here more fully, as the correct one to govern the political student of the future. Though such bodies were in a measure substitutes for imperialism and conceived as the incumbents of the power refused the sovereign, yet they were a recognition, conscious or otherwise, of the division of labor which, though needing still further development, yet needs still more the supplementary and correlative organisation of an agency to attain efficiency and concentration of power not possible in our legislative assemblies. This correlative need is the integration of function in government to supplement the differentiation which has been begun and requires still further development. The manner in which this was accomplished, however, did not fully realise the end of which it is capable. The reason for this was partly that the object of the transfer of functions was not for the division of labor; that is

the development was not conscious of its own tendency and meaning: partly that its application was effected by the method of "checks and balances," which prevented the proper responsibility of the agencies so constituted and consequently the organisation of a central power which could make them responsible. Monarchy, if it was irresponsible itself, made all the other agencies of government responsible; but in curbing its power society simply transferred the irresponsibility of the monarch to the several agencies substituted for it. Consequently with its system of "checks and balances" it lost both the principle of responsibility and the full development of the division of labor, as it appears in the industrial and economic field. Nevertheless, the course of political theory and practice has presented us with at least a latent tendency to suggest the principles which may serve to correct the evils of democracy. They are the idea of responsibility and the division of labor in government. Both may be comprehended in the one formula of the integration and differentiation of function in the operations of government, though the suggestions to be carried out here will make it convenient to keep the idea of responsibility separate from the arrangements adopted for securing the proper division of political functions. The trouble with the past was that it did not realise the complexity of the problem before it, and assumed that a mere transfer of power

was sufficient to attain the object of government. Our present tendency, influenced by the conceptions of this past, is to limit sovereign powers in every form except in the people themselves, as the only escape from corruption and tyranny, with the consequence that we sacrifice political efficiency in the functions of government to the extension of democracy, while the old evils return in the "bosses," who are simply the necessary result of the demand for organisation and efficiency, and consequently are the irresponsible and unconstitutional substitutes for the legitimacy of the past. We have made our legitimate governors mere figure-heads because of our jealousy of a strong executive and because we have seen no way to connect responsibility with power. Hobbes's conception still influences us even when we abandon monarchy. We have deified "checks and balances" for security and relied solely upon the electorate for our court of responsibility, when the real want is a better organised subordination of government function and responsibility to some agency additional to the electorate. I would summarise, therefore, the principles of political theory which will mediate between monarchy and democracy in the following manner. They represent the philosophic basis of government in every form that can prove permanently successful. They are: (1) The adequate responsibility of the executive, legislative, and administrative powers, and (2)

The integration and differentiation of function in the operations of government.

I have stated the problem in a form that implies a connection between philosophic ideas and practical politics. There is always a relation between them, whether it be one of cause and effect or mere association. Actual institutions give rise to philosophical systems about them, and philosophy reacts upon them to modify or improve them. Hence it will be interesting to remark this relation between philosophical conceptions and the development of social and political institutions. This is especially true in regard to the two principles that have been enunciated, and which represent, one of them at least, the fundamental law of evolution or progress. It is not, however, that philosophy always directly, or even indirectly, determines our practical politics, at least in its details, nor that politics will necessarily determine any particular theory of philosophy; but that the conditions that produce the one will also often produce the other, though the changes and reactions in each of them are not always synchronous with those of the other. There is always a complete reciprocity between our ideas and our volitions, both individually and socially. The only difficulty is to determine what the prevailing social ideas are. The opinions of individuals differ so much that we cannot reason from any given philosophy to the conduct and institutions of society. In fact, among

philosophers certain conceptions may prevail without reflecting themselves upon social conduct, and the community may act without regard to any given philosophy prevalent in the schools. But the moment that any system of ideas becomes general it produces an influence upon political conduct, and institutions reflect themselves in the philosophic systems of the day. This reciprocity between ideas and institutions, individual and social, enables us to study the principles which rule our progress in the types of philosophic thought, where we find man becoming conscious of the forces and ideas that determine his destiny. It is only when man becomes conscious of these forces that he can expect to rationally aid the process of his development. Otherwise it must be left wholly to the contingency of natural selection. Hence if we can discover the law of progress, which is only the means to the end, we may be able to apply it in a way to improve or hasten the course of development. This is the reason why a philosophic principle may help us to see our way through the difficulties of our political problem. Being the founder of those conceptions which establish or represent the unity of nature, philosophy reflects its connection with, and influence upon, every department of human activity, and results in similarly unifying human volitions, whether individual or social, and where it does not determine them directly, it serves as a good index of the essen-

tial principles that do determine them. More especially that philosophy represents man's consciousness of the influences and ideas about him, and which he can turn to practical account, it may determine for us the principle which should govern us in the construction of political institutions, where wisdom is so much demanded. For this reason it may prove profitable to study briefly the connection between philosophic ideas and both political theory and practice.

Animism is perhaps the first as it is the simplest stage of reflection in which the human mind attempts to explain the world. It sees life everywhere, but the conception of a cosmos, a unified whole, is not clear, or perhaps does not exist in this stage. Corresponding to it the social organisation is, at least usually, as anarchic as the philosophic ideas represent nature. But animism is an indefinite condition out of which two wholly different types of philosophy proceed, the direction of development depending upon the question whether the mind comes to the study of the forces of nature with a disposition to unify them by a pantheistic or by an atomistic hylozoism. That is to say, it depends upon whether it conceives the world as a cosmos or a chaos. If the life that animates nature is conceived to be a single universal force, no importance will be attached to the individual unit or phenomenon in it, and we have variously monism, pantheism, and

monotheism as the inevitable direction of philosophic thought. On the other hand, if this life is placed in the individual and no stress is laid upon the unity of the cosmos, the direction of ideas is toward polytheism in religion and atomism in philosophy. Philosophically speaking, monism and atomism are the two extreme opposite types of thought, and the others are more or less only different applications of one or the others. The order of development in each case is not important for our purpose, but only the logical tendency of the movement. The predominance of one or the other prevails according to circumstances. At the same time both distinct forms of thought may co-exist and develop side by side in different persons, so that the general tendency may either be indeterminate or a compromise of the two movements.

The social equivalent of animism has no special importance for us in the present work: but it is interesting to observe that what is known as imperialism; namely, the possession of large political powers over extensive areas of territory and a diversity of tribes, seems everywhere to have followed the decline of polytheism and the adoption of monistic or monotheistic conceptions. The reason for this may not appear on the surface, but it is evident to those who know what pantheism and monotheism stand for in their conception of power and the subordination of the individual, with the social ten-

dencies that affiliate themselves with such ideas. They favour, if they do not produce, central government and the restriction of individual liberty commensurate with its imperialism. But polytheism was in the ancient religious world what the atomic conception was in the philosophic. It represented an individualistic idea of things, a system of local and independent deities as the atoms were independent forces. It marked the absence of all such conceptions of the unity of nature as we find in pantheism and monotheism, and hence of the causal agency at the basis of it. Its social equivalent was a vast system of warring tribes and families without a highly organised central government. The powers of the chief or ruler were absolute enough, but their connection with military conditions of life and small areas of population suggested very little of the notion of empire, which requires for its realisation a larger unity of sentiment and interest than the existence of warring tribes would permit. This unity is fostered, if not created, by those conceptions of the world that transcend the limits of polytheistic thought. Many gods meant as many independent tribes and provinces, perhaps not necessarily but as an associated fact, and hence ideas which represented so little general unity physically and socially as the polytheistic system could only favour political institutions of a limited sort. However absolute power may have been within the tribe

or the jurisdiction of the local deity, its exercise was limited partly by territorial considerations and partly by the rival dangers of independent tribes. But the departure from polytheism to monotheism in religion and the substitution of monism for atomism in philosophy illustrated, if it did not produce, a tendency to bring independent forces, communities, individuals into subordination to a higher and more central authority, so that the social equivalent of these ideas is a more imperial form of civilisation. Polytheism in religion and atomism in philosophy represented a system of independent individuals, and society had little organisation. Monotheism in religion and monism in philosophy represented the subordination of these individuals to a universal power. Hence they indicate a conception of the cosmos that confers great power upon the supreme cause while establishing the unity of the world, and so prepare the way for conceiving a common relation of all men to this agency, just as the individuals of the family or tribe in the polytheistic stage were subject to its tutelary deity. But the larger conception of monotheism and monism simply widened the range of this subordination and equality, though it lacked democratic significance because the emphasis was placed upon the relation of the individuals to the whole instead of their relation to each other. This subordination of the individual to the supreme power created the whole content of virtue

and social obligation. It is therefore hardly an accident that we find that the idea of *justice*, so prominent in the monistic philosophies of Plato and Aristotle, was that of *social*, not *individual* welfare, and that the brotherhood of man sprang from Stoic pantheism. This latter philosophy, however, with its subordination of the individual to the absolute, though it suggested the universal brotherhood of man as one of its corollaries, could not give it moral value and efficiency, simply because it placed so little value upon the individual and emphasised his subordination to the supreme power instead of his independent relation to his fellow. In the golden age of Greek philosophy and politics the universal or social and individual were conceived in antagonism to each other, but when the atomic philosophy took the place of the monistic systems of the earlier period it democratised the relation between the social and the individual and justice changed its content so that social and individual welfare coincided. But in the transition from the individualism of the polytheistic stage to the monistic period the social value of the latter's conception of the unity of the cosmos was very great, in that it determined a higher ideal than the atomic anarchy, physical or political, of the earlier period. Polytheism, of course, often remained among the common strata of society, and even as a conception of dependent and subordinate beings among other classes

who had accepted monistic ideas, long after the triumph of a monotheistic or pantheistic type of thought. But as soon as the latter gains the ascendancy it begins to revolutionise social conditions, and either institutes, or accompanies the institution of, extensively centralised power, and polytheism or atomic influences remain only as a limitation upon the extent of its authority, or become an atrophied civilisation.

This movement of thought and conduct and the various degrees of complexity and conflict among the conceptions of philosophy and the forces of political life are apparent in the histories of India, China, Greece, and Rome. They cannot be traversed here for lack of time and space to make the proof adequate. But I may summarise results. In them we should find that imperialism, with its extensive political power, was a concomitant of the conceptions that represented the unity of the cosmos. It was the monism of religion and philosophy that was the precursor of both the conception and the reality of universal empire. The philosophic principle of the unity of nature and of the supremacy of a single force or deity over all others was either the index or the concomitant effect of the psychological and social conditions which supported or created extensive political dominion. I do not pretend that philosophic ideas are the only indices or causes of the political institutions contemporane-

ous with them: for there are other influences equal or greater in importance in producing the same effect. Thus there can be no doubt that the substitution of slavery for the killing of captives was a powerful influence toward the creation of large empires. It modified the functions of the ruler, increased population to be provided for, and brought into play the economic and social forces incident to slavery and a denser population; namely, agriculture and aristocracy, and was thus more immediately the efficient cause of imperial tendencies. Other ideas were also contributory to the same effect. But the larger view of the world, which monistic ideas initiated and instilled, tempered and encouraged the spirit of conquest, though that spirit may have arisen in economic necessities. Without it we might never have seen the ambitious projects of Persia under Xerxes, of Greece under Alexander, of Rome under Cæsar, of the Franks under Charlemagne, of France under Napoleon. These men and movements were representatives of an idea which had its inception in philosophy before it appeared to affect the destiny of political life, and the part which this idea played, whether successful or not, in all the main purposes of the movement was that of creating a common sentiment, enlarging the functions of government and centralising the power that had to rule over the conflicting forces of a diversified society. In this way the idea of monarchy and its

concentrated power over large areas of territory became the resource of social order, the means of keeping the world with its denser population out of anarchy, and as long as each group of social units, the family, the tribe, the province, etc., was economically sufficient for itself, and both political and industrial conditions were simple, this form of government, with its absolute powers, though somewhat limited by this very self-sufficiency of the groups over which its power was exercised, was the best adapted to the situation: especially that the ignorance and superstition of the masses disqualified them for dealing with common interests independent of their own local affairs. The centralisation of political power and its imperial efficiency became a necessity for the maintenance of any order at all.

But the conditions that necessitated and justified ancient monarchy with its irresponsible sovereignty and undifferentiated political functions no longer exist. Individualistic modes of thought, modified by the philanthropic impulses of Christianity, have supplanted the socialism of ancient monistic conception, which offered no personal immortality to enhance the value of the individual, while the economic interests of men have become so socialised or reciprocally dependent upon each other that their protection can be safely left to voluntary effort, at least more safely than in conditions where interests

were conflicting. The self-sufficiency and individualism of ancient life were counteracted by the socialism of political ideas and power, while the socialism of modern economic life, with its automatic regulation of private interests exhibiting the solidarity of parts in an organism, corrects the tendencies of individualism, and imperialism becomes either dangerous or useless, except as it may be made to subserve a legitimate individualism against the tyranny of socialism. Manufacture and commerce, railways and telegraphs, science and literature, art and religion, have so revolutionised human knowledge and sentiments, both extending the range of common ideas and multiplying their differences, creating great solidarity in some directions and equal diversity in others, that the concentrated and arbitrary power of ancient monarchy is either unequal to the task of government, or would be in danger of enslaving the individual in a worse manner than antiquity. Moreover, military glory has succumbed to the economic ideal; the masses are educated and the distribution of knowledge more nearly approximates the condition of equality, and the humblest classes actually possess the franchise; the disposition to passive obedience which was once more compatible with the enjoyment of individual rights and happiness has given place to self-assertion, freedom, and independence which are now more necessary for protection against arbitrary power because of the

present greater solidarity of economic interests; freedom of conscience, of thought, and of action has been at least partly secured, and with it the individualisation of almost every form of human energy as the foil against imperialism, and all of them accompanied by that persistent jealousy of political power which is not subject to the restraint of the governed that makes any other than electoral institutions all but impossible. Just as the atomic philosophy of Democritus and Epicurus was the antidote to Eleatic monism and Stoic pantheism, so the individualism of modern life, itself the outcome of atomic physics and the value which the idea of immortality has conferred upon the individual, is a fatal obstacle to anything like the monarchical institutions of the past. Government must be divided into a number of agencies in order to make it possible, on the one hand, and to escape the dangers of omnipotent powers in a monarch, on the other, with anything but omniscience to guide him. On the other hand, the anarchy of individualism and its multitude of irresponsible agents, limitations, and restraints upon prompt action require a strong central authority to maintain order and to save civilisation. As monistic conceptions are necessary to correct the tendencies of atomic doctrines toward chaos, so imperial functions in government are necessary to co-ordinate the conflicting interests of society and to secure prompt and efficient action in

important emergencies. The complexity of social and economic interests, embodying as they do a strange mixture of common and conflicting objects, the one requiring liberty and the other regulation, makes large central and executive powers indispensable, if they can be made responsible at the same time. Equally important will be the distribution of government functions among a number of agents or bodies, partly as a limitation to arbitrary authority and partly as a release from impossible tasks and responsibilities. A monarchy is too simple and a democracy is too anarchic to properly accomplish the object of government under such conditions. A wholly different principle than either of them, though combining the functions of both, is the key to the situation. The policy of modern industrial organisation, which has free development in this respect far beyond the progress of legitimate politics, and itself only one illustration of the universal law regulating both organic and social life, is the type of institution which suggests the best remedy for social ills. It is the concentration of power and the division of labor, the integration and indifferenciation of function, as Mr. Spencer calls it, characterising the development of all complex organisms, that offers a guide for the reconstruction of political institutions, with an additional agency in government to supply the place of competition in the economic world. Briefly the thing wanted is large

executive powers without monarchy and made adequately responsible, and the differentiation of functions without democracy, which, in its pure form, is simply polyglot government without head or brains.

Now just as a monistic philosophy conditioned or supplied the clue to the political organisation that put an end to anarchy, and as the atomic philosophy exaggerated the importance of the individual, with its tendency to disintegrate society while it corrects the evils of monarchical despotism, so we may look to modern philosophic thought, which endeavours to harmonise monistic and atomic conceptions, for the principle upon which to base the necessary institutional reforms of political life. It is not that we can take philosophy as an infallible guide in the pursuit of any object or end we please, much less as an "open sesame" to the perplexities of political problems without due regard to experience and practical insight. For of all persons who are most likely to fail in such matters it is the abstract philosopher, the man who is for ever grubbing in mere ideas of his own making. No abstract principle will take us very far into the problems of politics. They are too complex for a simple solution. They demand for their satisfaction the delicate adjustment and combination of a variety of principles which are forever shifting their action and incidents. Only Utopias grow out of supreme confidence in an abstract prin-

ciple which makes no account of other facts quite as important as the one that so often catches the ecstatic glance of the philosopher. Nevertheless the wide general principles of philosophy can no more be ignored with safety by the practical man than the concrete facts of experience by the speculative mind. Both should be combined for complete success in anything. Ignorance of either will be fatal to any project. Consequently, though general philosophic ideas cannot alone determine for us the solution of the whole problem, they do serve as an indispensable guide to the general policy necessary to any institutions whatsoever. Modern philosophy should do as much as the ancient to suggest a way out of political difficulties. It is not that the general conception of philosophy has changed, though there is a natural tendency for the human mind, like a pendulum, to fluctuate between two equally absurd extremes of opinion: for the idea of universal unity of some kind remains as a permanent assumption or conquest of knowledge, and equally urgent or fixed is the conception of the multiplicity and individuality of the forces constituting the whole. These ideas are the commonplaces of all philosophic doctrine. But there is one idea, associated with the theory of evolution, which has smoothed the conflict between two intellectual extremes of thought, while it has added to reflective knowledge a fact that possesses an importance be-

yond all measure for political students. This fact is the *law* of that evolution. This law has already been formulated several times, and represents that all *progress is due to the proper adjustment of the integration and differentiation of structure and function to the end and complexity of the life which has to be preserved and developed.* So abstract a statement of the law, however, may not be clear enough to the general reader, and much less its applicability to the forms and agencies of government. It will be wise therefore to illustrate and explain its operation in the phenomena of nature and history.

We observe in the growth of organisms two complementary processes going on. As the individual increases in complexity of nature and function there occurs an increasing specialisation of organs, a division of labor among the agencies contributing to the life and purpose of the whole. Simultaneously there goes on a concentration, or integration, of general functions in some one organ delegated with increased power of co-ordination and control over dependent members, adjusting their action to a common end. In simple organisms this process is not apparent, if it exist at all. The amœba, for instance, is almost a homogeneous substance without individual organs either for locomotion or for digestion, and without traces of a neural system. There is so little differentiation of structure and function in it that any part of the body can be ex-

temporised for hands, legs, mouth, or stomach. But as we advance higher in the scale of existence special organs are developed for each of these purposes and others assume general control of the special members, adjusting them and the whole to a common end. This concentration of regulative power is well illustrated by the nervous system in the higher orders and the differentiation of structure and function of a dependent kind by the limbs, muscles, stomach, lungs, glands, etc. To compare man with lower animals, we find this integration and differentiation illustrated in a very interesting manner. Man cannot use his hands for walking, but has to limit their employment to the technical arts connected with the supply of his wants, his defence against enemies, and his general culture. These require increased knowledge and skill for their use and to regulate and co-ordinate their action while supplying adequate resources for intellectual activity a corresponding increase of neural matter is required and developed. On the other hand, the apes use the hands or forelimbs equally for walking and manual effort, though in such cases these limbs make neither good hands nor good feet. In the nervous system also this differentiation and integration is very noticeable. The primitive nervous organism was a simple ganglion or mass of cells and this gradually altered into a spinal column. This linear mass of cells in the simpler forms of life had

to perform all the neural functions incident to the organism. But gradually a differentiation between the reflex or unconscious and the deliberative or conscious activities arose and this was marked physically by the enlargement of one end of the spinal column into a brain, the spinal cord remaining predominantly an organ for reflex actions connected with the vital and reproductive functions, while the brain became the medium for the intellectual and voluntary activities. Then again the brain further differentiates into a system of partly distinct centres and organs for as distinct functions, as is illustrated by the localisation of brain processes. At the same time its unity and integration are kept up by a system of commissural fibres connecting the various centres so that co-ordination is effected partly by the inhibitory influence of one centre upon another and partly by the functional action of the organ as a whole, acting as the central agency for regulating all bodily functions. The nature and extent of this process is illustrated in an interesting manner by the effects of surgical and experimental operations on the brain. In animals excision of the hemispheres disturbs the exercise of important function often only for a short period. The vicarious restitution of such functions in other centres will often take place with comparative readiness. But this is not so easy in man. In him the differentiation has gone so far that restitution of function after excision is not so

prompt, if it occur at all. The increase of integration makes the brain as a whole in man a much more vital organ and it will not bear as much disturbance as it does in the animal. The predominance of man's intellectual life is a factor in the case as well as the amount of integration. But it suffices for our present purposes to remark the increase of integration and differentiation as the complexity of the organism increases. So much for the physiological.

But it is not in organic life alone that we find this process manifesting itself. The same law is apparent in social and political institutions, though the integration has hardly developed *pari passu* with differentiation. With the growth in complexity of the social system, which has been caused partly by the density of population, partly by the complexity and solidarity of economic interests and general reciprocity between individuals and communities, and partly by the territorial extension of government, there has gone a constant multiplication of the agencies necessary to perform functions which would either overtax the central power or threaten the individual with its mischievous influence. Illustrations of this process are the tribe with its single absolute ruler, then the larger community with administrative appointees under the king, and lastly the modern state with its executive, legislative, and judicial heads, and various commissions and administrative subordi-

nates. In this country, for instance, we have first federal and state governments, and each with their executive, legislative, and judicial departments. Then subordinate to the state are the county and township political agencies. On the other hand, the integration has not been so great. The various agencies mentioned do not exhibit that relation of subordination of one to another that is necessary to central efficiency and control. They are all more or less independent of each other, with no responsibility except to the people who have long pockets and short memories. They have been organised mostly on the idea of "checks and balances," and so do not represent much integration. But that this integration has to some extent occurred, though only in a different interpretation of the constitution, is apparent in the development of federal centralisation and authority since the foundation of the government. The Civil War put a practical end to the extreme States' Rights doctrine, which represented a logical tendency to pure democracy and the referendum, and the Interstate Commerce Commission and federal interference in the Chicago riots indicate which way the development tends. But this tendency does not express itself in anything institutional, and besides it is largely counteracted by the usurpations of Congress and the democratic jealousy of executive power, which is made formidable by its want of responsibility. The main difficulty, however, is the

fact that there is no provision for an automatic and elastic supply of agencies to meet the situation created by the increasing complexity of the social system. Political institutions have not kept pace with the integration and differentiation manifested in the economic world. We have been forced to apply the principle to some extent, but have been governed too much by the conception of "checks and balances" to see the way out of our perplexities.

These instances of integration and differentiation in structure and function, taken from both the organic and the social world, suffice to indicate the law of progress as I have stated it. Students of politics are perhaps familiar enough with it as a fact, and I have not called attention to it as a new or unknown circumstance, but as a law which requires to become the conscious principle upon which to base, or by which to regulate, political reforms. But this proposition to adopt as a regulative principle of political institutions the law of evolutionary progress must be accepted with some caution. The explanation and illustration of the law may appear to be arguing from the physical to the moral, from the organic to the political world. It is objected that such a procedure assumes that society is an organism, when as a matter of fact the identity between an animal organism and society is merely metaphorical. I agree that we cannot argue from the organic to the social world in this way. I should even go

farther and maintain that no greater illusion can be entertained than the belief that we can construct a political theory solely upon the phenomena of organic life. The difference between animal organisms and social communities is almost immeasurable. There are very striking and important resemblances, but there are also essential differences which make it impossible to reason from one to the other. On this account it is best not to apply the term "organism" to the two sets of phenomena at the same time. It has a different meaning in each case. It would be better to call the animal an "organism" and society an "organisation," though the latter term is also equivocal in that it applies so frequently to voluntary and artificial combinations of men that it might be taken to imply that society is only Thomas Jefferson's social contract, which had to be renewed every generation in order to make government legitimate. But whether we can use this or any other term without misunderstanding or not, it ought to be evident that organic life and social bodies are so different that it is dangerous to apply the principles of one to the other without independent proof that they are common laws of both realms. Society is a *collective* whole: an animal is what I shall call an *organic* whole. Now a collective whole is a group of *homogeneous* units, individuals of the same kind: an organic whole is a group of *heterogeneous* units, individuals of a different kind, if we are entitled to

call it a group at all. It is constituted by parts which we call members, and we also call the individuals constituting a community members of it. But the units in a community can be classed as alike, essentially alike each other, while the members of an organism are distinctly unlike each other. Besides making one to consist of homogeneous, and the other of heterogeneous parts, the essential difference can also be indicated in the fact that an organic whole is *spatially continuous*, a collective whole *not* spatially continuous. The members of the former have no individual existence apart from the whole, those of the latter can have an existence independent of the collective group. The difference can also be expressed by saying that an organic whole is an individual unit acting as an indivisible body, the parts being merely spatial divisions: society is a collective group of organic wholes, the parts being individual units with an independent existence of their own. This distinction, therefore, between organic and collective wholes explains why it is not possible to reason from one to the other. Neither have I done this nor do I intend that it shall be done. I have been careful to show that the law of integration and differentiation actually occurs in both realms instead of finding it in one and then trying to prove from its existence in the organic that we ought to act on its assumption in the social and political world. On the contrary, it has been found to exist as a univer-

sal law of progress, and consequently the argument is not from one class of phenomena to another quite different in nature, but is for a more distinct and conscious recognition of a method which has been too much ignored for that of "checks and balances." Such division of labor as has taken place in the past has been little conscious of the principle on which it has proceeded, while the idea determining conscious effort at reform has been that of Hobbes *minus* the king. This led merely to a transfer of power from one authority to another without any regard to differentiation of functions, on the one hand, or to responsibility of an efficient form, on the other. That is to say, we have complained of arbitrary power in the hands of a king and turned it over to the mob of the legislature, with the electorate a prey to every demagogue who wishes to play upon its passions and ignorance. The distribution of powers and duties incidental to the evolution of the system has hardly been aware at all of the foundation upon which it rested and no attention has been paid to their subordination to some adequate court of responsibility. Usually institutional changes or modifications have been suggested by some specific problem, witness the Interstate Commerce Commission, where the existing agency was overburdened, and no regard was made to the general principle involved, or to the complementary changes necessary to obtain the desired results. That is to say, the

differentiation of function is adopted without the required integration, and progress is too slow.

But whether this last statement be true or not, it is certain that the law of integration and differentiation as exhibited in both the organic and the political world, incompletely in the latter, is the general principle of progress, and that political students must adopt it as the conscious and regulative idea upon which proposed reforms are to be based. If this assumption can be made, we have the major premise upon which to proceed in our practical efforts. We have only to see that our concrete measures conform rightly to our general principle. But that political development has not kept pace with the requirements of this law is very clearly evinced by a variety of facts. In the first place, the contrast between political conditions and those of our economic institutions, which have been free to adjust themselves to natural law, is very marked. Organisation has reached a high degree of perfection in the industrial world. The combination of capital and the division of labor have proceeded upon an enormous scale, and have even excited strong jealousy and opposition on the part of interests less organised. This concentration of economic forces, on the one hand, and the division of labor, on the other, have shown themselves in all large organisations of business, which are simply governments *in parvo*. Large railway corporations, monopolies and trusts,

our vast department stores, immense manufactories, and similar bodies of industrial and commercial importance are instances of the kind in view. They are integrations or combinations of capital under a central authority with large and untrammelled powers, and differentiated into divisions or departments with complete responsibility to a chief. They are perfect little kingdoms, and their success is due partly to their economic value and partly, perhaps mostly, to the large powers and intelligence of the central management which has been left free to develop according to the necessities of the case. The evils that are incident to them are not due to their nature and method of organisation, but to the system of politics which enables certain classes of them to obtain legislative favour and protection. The institutions of government have not kept pace with these organisations. As independent evidence of this view I may quote Mr. Godkin's *Problems of Democracy*. Speaking of the practical working of our political machinery, he says: "In all these things we are trying to meet the burden and responsibilities of much older societies with the machinery of a much earlier and simpler state of things. It is high time to halt in this progress until our administrative system has been brought up to the level of our present requirements." If only political methods could be made as elastic as the industrial and economic conditions our problems could be more

easily solved. This is to some extent the case in England. There we find no written constitution to hamper adjustment to new conditions. Parliament and the Ministry, subject to their responsibility to the crown, have the matter of adjustment entirely in their own hands. Political conditions are as elastic as the industrial. Political machinery need be no more antiquated than public opinion. But the political inertia in this country preventing the prompt integration and differentiation of function is due partly to the necessity of conforming to a written constitution and partly to the jealousy against sovereign powers in the hands of the executive. This jealousy succeeds in limiting the exercise of executive authority just where it is needed, instead of trying to leave it free to act with responsibility. Its action is limited or prohibited rather than made responsible. Responsibility is consistent with the freedom to act while it limits only such actions as the properly constituted authorities may regard as incompatible with public welfare. Furthermore, this jealousy of the executive, following the policy and precedents of the reaction against Hobbes, only succeeds in investing either the legislature or the electorate with the powers denied to the executive and which their nature as deliberative assemblies makes unwieldy, and in the absence of constitutional machinery for adjusting government to new conditions, no ade-

quate differentiation of functions can be instituted without resistance from the legislature which tends to usurp the powers of both the executive and the electorate. Nothing is more evident than the tyranny of our democratic legislatures, and there is no way to restrict their power: for constitutional amendments and changes must first pass through the hands of the legislature itself. Consequently, when they assume or possess the omnipotent powers of government, which either they, or the constitution, or public opinion refuses to the executive, there is no method by which they can be made adequately responsible. What is wanted, therefore, is a more thorough application of the law of evolution to politics, both theoretical and practical. This law, which I have shown to be the integration and differentiation of function in correspondence with the increasing complexity of the social "organism," involves a further division of labor with fewer "checks and balances," and an attempt to establish better conditions of responsibility. The general plan by which this can be effected will be discussed in the next chapter, but to summarise it the method involves three considerations of a practical kind. They are: (1) A division of the present executive functions so as to enlarge them in one direction and to curtail them in another. (2) The division of legislative functions in a way to relieve the present bodies of impossible duties. (3) The establishment of an in-

dependent inhibitive agency which will secure adequate responsibility in both the executive and the legislative branches of government.

The history of both theoretical and practical politics shows the need of some such modifications of our institutional methods. On the one hand, the unwieldy nature of the present burdens and the perplexity of the problems which our present machinery is called upon to solve make necessary a further distribution of duties. Neither the legislature nor the electorate is qualified to perform the tasks imposed upon it, and the executive is neither permitted nor able to do it. Between the constitutional disqualifications of the executive and the moral disqualifications of the legislative power the tendency seems to be straight toward chaos, and every one is afraid to entrust the executive with the power to organise a way out. In the absence of responsibility for such power this jealousy is legitimate enough. Here we have to meet the fundamental difficulty which every one feels with the theory of Hobbes. We found that he made freedom and irresponsibility of action convertible, and proceeding upon that assumption ever since we have found no alternative between accepting despotism and refusing all power and freedom to act at all. Afraid of central powers we decentralise everything, and think because we establish a policy which has a logical tendency toward chaos that we are sustaining the moral liberty

and rights of man. But if we can distinguish between the abstract and the concrete conception of sovereignty; that is, between the idea that there must be *some* irresponsibility somewhere, whether in society as a whole or in certain functionaries, and the idea that all irresponsibility shall be in the executive, we may be able to solve our problem. Now Hobbes, as we saw, did not distinguish between the abstract irresponsibility of the state and the concrete irresponsibility of the executive: in other words, the sovereign and "sovereignty" were combined so that the powers and duties of government could be exercised only on the condition that they were irresponsible. In trying to avoid the dangers of this doctrine, however, we have resorted to limitation or prohibition of power instead of its responsibility. But if we can only separate the idea of freedom to act from that of irresponsibility we can find a way out of the difficulty. The successful use of federal authority in certain important emergencies, on the one hand, and the existence of at least a large measure of free power to act in the case of certain administrative subordinates connected with responsibility, on the other, are facts that might suggest a method by which a proper adjustment of freedom and responsibility could be combined in the executive authority of democracy. The freedom which I have in mind here is perfectly consistent with responsibility, but not with limitation, and had politics tried

to determine this responsibility by other means than short and elective tenure, the one limiting absolute power by time and the other by its transference, we might have escaped the necessary tendencies toward anarchy inherent in the exaggerated jealousy of executive power. Such power requires to be conditioned, not prohibited, but the best way to do it is to divide its duties, leaving each functional agent freer than the executive is at present from either the interference or the co-operation of co-ordinate branches of government. Thus, for example, the enormous powers of the executive which are so much dreaded by democracy might be divided and distributed, so that the function of appointment only shall belong to it and that of removal to another, establishing what I shall call an *inhibitive* agency in government, equal in importance to the executive and legislative and subordinating them to it. In this way we could carry out the great law of evolution and recognise what is true in the speculative theory of Hobbes; namely, the efficiency of imperialism for preventing the tendency of individualism to anarchy. The doctrine of absolute sovereignty, aside from its abstract necessity somewhere in pure theory, contains a practical truth of great value. The form of it which satisfies this practical conception is our Supreme Court, as I shall show again, but which represents this sovereignty only in a negative way. Here we have irresponsibility, but

not in the exercise of positive power. Hobbes was right in his idea that government in order to be efficient and successful must represent great central power, and it was only a misfortune that he did not see, and that the political and intellectual condition of his time did not permit or suggest the propriety of organising a method of attaching responsibility to what is known as the "sovereign" or executive power. In the attempt to reach the responsibility which every one saw was necessary development turned toward the doctrine and practice of constitutional limitations of power and various "checks and balances" with incidental and imperfect differentiation of function. This latter process, minus that application of the principle of "checks and balances" which represented a mere transfer of irresponsible power to a number of bodies, requires further development, while it is equally imperative that we find means to extend executive authority without encountering its dangers. Is this possible? The answer to this question will be attempted in the next chapter.

CHAPTER III

PRACTICAL REMEDIES

I have indicated in the discussion on the nature of the problem that the direction of political reforms should be that of integrating and differentiating the functions of government, and of increasing the powers of the executive. I should also contemplate decided modifications of the power and influence of the legislature, though not by conferring them upon the executive. This proposition, however, will seem like proposing a reaction toward monarchical types of government, though the differentiation of the functions hitherto invested in the executive as a fact actually discards this tendency. But anything like a proposition to extend executive powers will appear to rush in the face of the determined jealousy against such increased powers as a restitution of the despised past, and hence to be foredoomed to repudiation without ceremony or consideration. The counter-proposition to institute a method of responsibility while conceding more influence to the executive ought to dispel illusion and alarm on this matter, at least until it is examined. Hence it is only fair to

demand some patience with the suggestion until the scheme has been fully presented. But I am aware that the momentum of the jealousy and suspicion against arbitrary power so long associated with the idea of a strong executive has a persistency which the present theory must face, though these feelings in the present condition of democratic development are only the demagogue's capital which he uses to shield his own underground projects and irresponsibility. Nevertheless, in spite of the natural prejudices which such a proposition will excite I make bold at the very outset to say that my fundamental principle involves a vast extension of executive influence over the functions of government, and a corresponding limitation of the legislative, even though this proposition be qualified by a new method of responsibility. Moreover I also recognise that the suggested remedies are not in the direction of those which present public opinion is inclined to adopt; namely, the referendum and the initiative, as the remedy for the same evils of which I have to complain. The measures that I have to propose are, to some extent at least, directly away from the tendencies of democracy for a century while the referendum and the initiative are simply its logical development.

But I am not going to discuss the problem with the intention of preventing the occurrence of the referendum: for I recognise that it is most probably

the policy which will be tried, to some extent at least, in the near future, and I am inclined also to think that democracy should run the logical course of its development as the best and conclusive test of its capacity or incapacity to solve the political problem. It is probable also that this tendency could not be prevented from pushing itself forward to its natural consequences, no matter how great its real or imaginary evils. It is certain that the law of history in politics has been to pass from one extreme to the other. This is true in every department of human activity, whether in literature, philosophy, religion, or politics. Moreover, the various social and moral forces represented in the hostility to imperial power in any but the electors themselves and in the individual's supreme confidence in his ability to govern both himself and the world show that men will not easily relinquish the presumed advantages of democracy. He still insists upon pursuing his encroachments upon the powers of government without ever reflecting that the evils of which he complains in bad legislatures and rulers are the direct results of his own action. He insists upon electing his own rulers and when his prayer has been granted he still clings to the tradition that the "king" is to blame and not himself for his troubles. The momentum of an idea or principle will not always stop at the discovery of grievances. When some political failure appears the habit of throwing the responsibility upon the

government leads the individual to suppose that he has not wholly purified the past from its power to do evil, and flushed with victory over despotism and supremely confident in himself he will not suspect the weakness of democracy until, having abolished all rulers, he has no one except himself to blame for anarchy. As long as representative rulers exist they can be made the scape-goats for evils for which the citizen is loth to accept the responsibility himself. Hence the natural and logical tendency will be to try the referendum and initiative as the last resource of democracy against political corruption and tyranny: and for one I cannot hope to prevent their development by any proposition that I can offer. Present tendencies in that direction are too strong to be counteracted by an attempt to strengthen the executive, though qualified by a method of responsibility that deprives the traditional prejudice against it of cogency.

There are facts, however, which favour as well as indicate this tendency of society to directly govern itself. Not only is the fear of centralised power quite justified when we consider that in the present condition of politics it is practically irresponsible, to correct which has been the intention of the entire democratic development, however defective its method may be regarded; but the corruption and tyranny of the legislature is so great that there seems to be no escape from them except by granting the

electorate a direct voice in legislation as a substitute for the representative system. It is worth remarking, however, that the hostility to large powers in the hands of a single person is only feigned by the politician and is artificial and inconsistent among the people: for it is irresponsible power that the politician is always seeking and the voters, while repeating the old phrases against kings and despots, blindly hand over to men whom they ought to hang and quarter the powers which would only excite hysterics if the possessor of them were called a king. These voters cry out against monarchies, but say and do nothing when they are governed by political "bosses" and machines, which represent irresponsible power of the very worst kind, because, in addition to being absolute, it has no constitutional legitimacy. This situation only necessitates the conclusion that things should take their natural course. But this jealousy of executive power and its freedom is after all not the natural propensity of the electorate as a whole, but it is an artificial cultivation of the politician, who wishes to divert suspicion from his own deeds to the constituted powers and to usurp them in a form that cannot be reached by the law. The electorate is naturally willing to see strong government if only it is well administered, but the demagogue, finding himself thwarted in his nefarious schemes, seeks to avenge himself by simulating deference to public opinion, invoking prej-

ndice against power in rulers, and encouraging the voters' confidence in their own omniscience, all the while covering up his own jobbery and rascality by surreptitiously securing governors who will let him alone. But this deference to public opinion, which is the logical and necessary assumption of democracy, in form at least, only encourages the masses to believe that their own judgment is final and trustworthy in the most complicated affairs of government. This is true in respect to the *ends* of government. But it has not been the policy of limited monarchies, nor even of so-called democracies or republics hitherto representative, to defer anything to the electorate except the choice of legislators or rulers. The habit, however, of ascertaining public opinion, of pretending when convenient that one is only a representative of it and then ignoring it when possible, only increases the distrust of the men who thrive on abuses of their political power and stimulates popular confidence in the direct control of legislation. Moreover the whole policy of democracy in the past when confronted with bad rulers has been to take over to itself the powers that had been abused, and hence when the compromise with monarchy, which the representative system was supposed to be, has failed to work the precedents are in favour of the referendum, so that if any concession is made to the idea of governmental intermediaries at all it will represent only the function of registering the popular decrees.

Then again both the anarchy and the tyranny of our legislatures point in the same direction. They were intended primarily to be deliberative assemblies where debate is supposed to be free and rational, and where voting can be reached after a reasonable amount of time has been allowed for deliberation and discussion. But the majority of our legislatures are either constituted or controlled by men who either cannot or dare not discuss the measures proposed by them. They maintain silence against all reason and vote submissively in obedience to a "boss," or they open their mouths only to obstruct legislation and to make a "strike." The consequence is that our assemblies have come to the pass where they must either cease to be deliberative bodies and put themselves under the "sovereign" power of the Speaker, a pretty pass for democracy, or place themselves at the mercy of the unscrupulous minority. This power of obstruction has no limits except either revolution or the autocratic authority of the Speaker, which is virtually a revolution against democracy. Either this power of the minority to obstruct legislation and to prevent the majority from carrying its measures by exacting concessions to the "strikers" must be ruthlessly put down, or the government is conducted by the minority. In either way the legislature becomes as tyrannical as the institutions against which the people claimed the franchise. But not being inclined to

return to anything called monarchy, though there may be something worse than this in the autocratic powers of the Speaker, there is no escape from both this and the worse tyranny of the legislature except the referendum. Moreover, the constant encroachments of the legislative upon the executive power, with the politician's hollow and hypocritical obsequiousness to the ignorant masses whose prejudices he crowns with the dignified title of public opinion, leads in the same direction. In fact, the whole machinery of politics with its clubs, mass-meetings, organised bodies for the expression of individual interests, and all forms of pressure brought to bear upon representatives are so many concessions to the principle of the referendum, and leave our rulers nominally no other functions than those of clerks, though really it implies that in all matters not so expressly limited by promises to the electorate free reins are given to every form of political debauchery. The referendum is consequently the natural and logical outcome of present conditions. I am far from saying, however, that it will not be better than the method of conducting our present *soi-disant* government. In fact, I can conceive that much would be better done by the referendum than it is now by men who are nothing but knaves in their business. Honest men who are intelligent enough to know that government of the proper sort cannot be determined by the off-hand judgments

of the multitude do not want office at the price of sacrificing their knowledge, and with the majority of their compeers engaged in corruption of some kind, if they did secure office neither their judgment nor their votes would count for anything in the system of blackmail and tyranny that make up our average legislature's work. The referendum might put an end to some of these things. It would undoubtedly make some things harder that are now easy. It is more than probable, however, that corruption would find means by which to gain its end as it does in manipulating elections.

The problem of good government is to elect the intelligent and honest man to administer it, and to give him the power to do it when he is found. The policy of the past, as I have shown, has been to establish such a system of limitations and obstacles to efficient action that the suitable man when elected could accomplish little or nothing where real government was required. Some process of selection, natural or otherwise, should be secured by which the proper men might be obtained and then invested with the power to act. The condition, however, upon which freedom to act shall be granted must be some adequate method of determining responsibility other than an ignorant electorate. If this cannot be done I admit that such power would not be desirable. But it is certain that the present system does not secure it as needed, and equally certain it is,

from the irresponsible conduct of our legislatures, that everything which can be said against monarchy or hereditary institutions on this account can be said against the referendum. The benefits claimed for it in Switzerland are to say the very least quite dubious, and many regard it as in reality a failure even there. Such good results as have accompanied its application in that country may not have been due to the referendum as a method, but to other circumstances altogether, such as the fortunate coincidence between the natural conservatism of the common people and their knowledge of the special case. Quite as often, however, this conservatism has prevented reforms and improvements that more intelligence would have unhesitatingly adopted. But, admitting its success in Switzerland for the sake of argument, neither the economic nor the social conditions in that country are to be compared with the same in America and hence precedents of that kind can hardly have much weight. But even in Switzerland the largest part of the public business of state is not administered by the referendum; the distrust of popular sovereignty that is shown in the election of any officers at all proves some limits to the usefulness of the referendum, not to say anything of the time, intelligence, and moral will required to solve many of the social and political problems of civilisation. The referendum may be quite satisfactory for determining the most general prin-

ciples of political policy, but it is not qualified to determine administrative methods nor to select the best agents for effecting good government. People occupied with their private affairs, domestic and social, demanding all their resources and attention, as a rule have little time and often less intelligence than is necessary to solve the complex problems of national life. The referendum is a call to perform all the duties of the profoundest statesmanship in addition to private obligations which are even much more than the average man can fulfil with any success or intelligence at all, and hence it can hardly produce anything better than the Athenian assemblies which terminated in anarchy. Of course it might put a stop to mass-meetings every week which have to be called together in the present system in order to frighten public officers into the performance of their duties and to prevent legislation that is no better than piracy: but it will not secure dispatch except at the expense of civilisation nor deliberation except at the expense of intelligence. Very few questions can be safely left to its councils and these only of the most general kind. A tribunal that can be so easily deceived as the electorate can be in common elections certainly cannot be trusted to decide intelligently the graver and more complicated questions of public finance, of private property, of administration, and of justice. It may be honest and mean well, as I believe it would be: but such an

institution cannot *govern*, and it is government that the majority of mankind need, provided that it is wise and just, and this means as little interference as possible with the rights and liberties of the citizens. Most men are as willing as they find it necessary to delegate the power to administer the functions of government if only they have the proper guarantee that justice shall be executed. The referendum is only a confession or a proof that this guarantee has not been secured.

Moreover, it is important to observe that whenever the referendum is applied, as it is in certain constitutional and other matters, it exhibits an astonishing amount of indifference on the part of the voters. In many cases the vote does not suffice to carry even the reforms that intelligent public opinion demands. It is true that most of the cases in this country, in which the appeal is made to the referendum, are instances like the adoption of a charter or constitution, amendments thereto, or some matter involving a public improvement. Constitutional instruments involve extremely abstract questions and excite as little interest as they require great intelligence to settle them rightly. But this lack of interest shows either that the constituency is not qualified for the duties imposed by the referendum, or that it does not value the privilege which it is supposed to confer, and hence it can only result in leaving everything to the few who are interested in

government problems. If this few represent the honest and intelligent classes the government will be good, but otherwise if the balance of power falls into the hands of knaves or fools. But the uninteresting character of constitutional problems is no excuse for the average voter, nor a reply to my accusation against the referendum. It only proves my contention. For, if our form of government be the correct one constitutional instruments are the most important part of it and should awaken a corresponding interest when proposed for consideration. But the majority of mankind are not often interested in abstract questions of this kind, and even when they are they are not qualified to pronounce judgment upon them. They are more attracted by personalities than by abstract principles, and this fact alone shows both that they prefer to be governed and that they do not care for constitutions if they are rightly governed. In this matter their instincts are correct: for government does not depend mainly upon machinery, but upon the kind of men who administer it. Machinery may be necessary, but it works well or ill according to the honesty, skill, and intelligence of the men who run it. Hence hero-worship has its value if only the citizen is able to choose his hero wisely. His primary interests are in other matters than politics. In fact, it may just as well be recognised once for all that the large majority of mankind do not naturally care a

picayune for what are called political questions, and can be goaded into it only by the necessity of taking part in politics for the sake of having social order of some kind, or by the alarms of some demagogue who has an axe to grind or a personal pique to satisfy against government. Jobbery and the spoils of office may easily be covered up under the pretence of saving one's country. A man may seem very patriotic for throwing a foreigner's tea overboard, but patriotism may be a cloak for controlling the market, and those who dance must pay the piper. Those who are unselfishly interested in civilisation and progress will always devote a fair share of time and energy to public duties and social welfare, more especially when the form of political constitution imposes this responsibility. But the primary instincts of the majority turn to domestic and social life with their occupations and pleasures, and unless forced to it by some real or imaginary danger to private rights eschew politics as of the devil. The kind of men who usually direct them are a complete justification of this feeling. In fact, there are just two subjects which are tabooed by all polite conversation: they are religion and politics. Both are afflicted with that bigotry and intolerance which social and humane beings cannot endure, and politics adds to its burden of disrepute that contempt which intelligent and free men have for all those who are perpetually currying personal favours under the

guise of devoting themselves to the welfare of the public. Besides, his private affairs are all that the average man can undertake to manage, whether well or ill, and a very large number cannot manage these with any success, not to say anything of the more delicate and complicated problems of government. It is only the nondescripts and failures in other forms of business, or men with personal ambitions to satisfy, that run after office to live at the expense of the public. The referendum, therefore, only threatens to increase the citizen's responsibilities without increasing his ability to perform, and inasmuch as the widest extension of it compatible with organisation at all will not escape the necessity of police and executive agents and centralisation of some kind, I do not see that it can be utilised for any purpose except to abolish the scandals of legislative fraud and tyranny by transferring the scoundrel's resources to the management of the mob. It may be something to destroy the rottenness of our legislatures by depriving them of their power, but this does not dispense with the necessity of efficient and intelligent deliberative assemblies, while the referendum can only open wide the door to all the turbulent elements of democracy. Once concede to the masses the right of voting directly on legislation of all kinds affecting the delicate political and economic problems of civilisation and ignorance and brute force, combined with the envy of intelligence

and success, which De Toqueville says is the fatal vice of democracies, will hold the balance of power, as they do now in general elections, and we can only repeat the turbulent scenes of the ancient assemblies of Athens.

Nevertheless I shall not oppose the adoption of the referendum and the initiative. They are, as I have said, the logical consequences of democracy and may have to be allowed to develop their course. But what I have to propose in its place may be considered either as a reconstructive scheme to be applied after the referendum and the initiative have been tried, or as a substitute for them which will be more in accord with the very nature of successful government. The policy which this substitute involves, as the whole tone of this essay suggests, is the increase of executive powers in some directions and certain limitations of the duties of the legislative bodies. Briefly, the plan is to enlarge the executive's power of appointment, curtail its power of removal by the establishment of an independent court of impeachment and removal, making this court the least responsible agency in the system, with the exception of the Supreme Court as at present, and modifying the legislature's method of passing its laws. I intend this court of removal to be the key to the whole system of reform which I have to propose and shall discuss it in its place. But in the meantime I may refer to an interesting physiological function which is the

best type of influence, by way of analogy at least, that suggests this agency.

This is the function of *inhibition*. In highly organised beings the nervous system shows a unique function called the inhibitive, and which co-ordinates the action of all others, not so much by any positive action of its own usurping theirs as by mere prevention of overaction and disproportionate energy on the part of the others. In government we have not yet succeeded in imitating this inhibitive function. We have left both the positive and the negative, the initiative and the inhibitive powers in the hands of the executive, and naturally enough we create jealousy against so dangerous a combination. But if we can divide or separate the initiative and the inhibitive functions of government, so that responsibility shall attach to the former more definitely than at present, we shall deprive this jealousy of its excuse and need for vigilance, create a personal motive for good government and enhance the efficiency of the executive for better politics. The scoundrel will never endure responsibility. The discussion of the system will show what value may attach to the suggestion of an agency for making the executive responsible, or amenable to public authority. For the present we have only to keep in view that its mere name is no safe indication of the part which it may be made to play in good government. The corollary proposals will be an application of the

differentiation of political functions with some corresponding integration of them.

I have said that the problem of good government is simply to secure the fit man and to qualify him with adequate powers for the task. In other words, it is to determine the method of combining power and responsibility. But the solution of the problem is not so easy as its statement. There are too many facts to be taken into account to make the solution an easy one. The complexity of social and economic life makes the simplest form of government as impossible as it would be dangerous. Hence the need of a division of labour, as it has been partly developed. But this differentiation of political functions, as already remarked, has not kept pace with the same process in the industrial and other agencies of modern civilisation. Though we have local governments, committees in Congress and our legislatures, a commission for interstate commerce, campaign committees, political conventions, etc., as necessary means for preventing anarchy, yet there are no attempts to modify executive and legislative functions in a way to meet the demands upon them. On the other hand, there are the omnipotence of Congress and its committees, with their partisan politics, and the small amount of knowledge for meeting their responsibilities, the power of political machines to put the voters between the devil and the deep sea in the choice of public officials, the organisation of the

lobby, the incapacity of most voters to decide upon the complicated problems of finance and politics and their helplessness when they can decide upon them, the limited influence of the executive and the cabinet upon legislation, the inadequate machinery for securing intelligent and honest representatives, and many other defects in our system of politics which require a remedy. Mr. Godkin's recent book on *Unforeseen Tendencies of Democracy* is a proof of this accumulation of defects. One passage illustrating it and showing the tenor of the whole book and the tendencies of politics will make this clear. Speaking of the legislature, he says:

“ If half the stories told about state legislatures be true, a very large proportion of the members meet, not with plans for the public good, but with plans either for the promotion of their personal interests, or for procuring money for party uses, or places for party agents.

“ The collection of such a body of men, not engaged in serious business, in the state capitol, is not to be judged simply by the bills they introduce or pass. We have also to consider the opportunities for planning and scheming which the meetings offer to political jobbers and adventurers; and the effect, on such among them as still retain their political virtue, of daily contact with men who are there simply for illicit purposes, and with the swarm who live by lobbying, and get together every winter in order to

trade in legislative votes. If I said, for instance, that the legislature at Albany was a school of vice, a fountain of political debauchery, and that few of the younger men come back from it without having learned to mock at political purity and public spirit, I should seem to be using unduly strong language, and yet I could fill nearly a volume with illustrations in support of my charges. The temptation to use their great power for the extortion of money from rich men and rich corporations, to which the legislatures in the richer and more prosperous Northern states are exposed, is very great; and the legislatures are mainly composed of very poor men, with no reputation to maintain, or political future to look after. The result is that the country is filled with stories of scandals after every adjournment, and the press teems with abuse, which legislators have learned to treat with silent contempt or ridicule, so that there is no longer any restraint upon them. Their re-election is not in the hands of the public, but in those of the party managers, who, as shown in the Payn case in New York, find that they can completely disregard popular judgments on the character or history of candidates."

This is a picture of only one side of legislative responsibility, while executive and other administrative defects are not even mentioned in these accusations. But they come under consideration in the course of the work. All of them show that simple

methods will not meet the case. One reform is not enough, though this may be all that democratic methods in their direct application can secure at once. We require a whole articulated system of them. In order, therefore, to satisfy the theoretical requirements of the situation, providing an escape from both monarchy and anarchy, one of which must otherwise be the outcome of present tendencies, I venture to suggest, perhaps a little audaciously, such changes and additions in our present constitutional system as may be classified under the following heads. Explanation and discussion of them will come in their order.

1. A permanent official class in subordinate administrative positions: that is, civil service reform extended to state and county governments, subject, of course, to efficiency and good behaviour.

2. The establishment of a branch of government, or court, for securing universal official responsibility, including both the executive and the legislative functionaries, other than to the electorate. This may be called a Court of Impeachment and Removal.

3. The extension of executive powers of appointment and influence over legislation. Many officers now elective could be made appointive.

4. The establishment of an agency partly for limiting the abuse of executive powers in appointments and partly for preventing Congressional usur-

pations and interference in appointments by means of political bargains and intimidation.

5. The adoption of the English system of representation with some modifications in favour of local conditions.

6. The further differentiation of legislative functions so as to bring the duties of the legislature within the limits of intelligent performance.

7. Compulsory service from all officials whether appointed or elected.

8. The appointment of *all* judiciary incumbents.

9. The differentiation of the elective franchise.

Simply in outline these proposals look rather large and formidable, and when the particulars and conditions of their application are seen they will appear still more formidable and radical, and the charge will probably be made that they are not practicable in the present state of public opinion. The probability of such a criticism may just as well be anticipated and met, because society is in the habit of doing but one thing at a time in its attempts at reform. Complicated readjustments of political institutions usually follow sudden revolutions, and are not easily accomplished in times of order. Hence I do not disguise from myself, in any ignorant simplicity, the audacious magnitude of the changes here proposed, especially if it is imagined that there is any pretence on my part that the scheme as a whole is immediately practicable, even if it be taken up and consid-

ered at all. The practical adoption of it might or might not be possible according as men had or had not the will to put it into effect. But it is undoubtedly too much to expect society all at once to adopt some new and untried constitution, as this would be accused of being, though this is not exactly the case, because what is here suggested is nothing but the adoption or modification of functions and institutions already *somewhere* in use, excepting perhaps the court of impeachment and removal, though I shall undertake to show that even this is suggested by some forms of actual practice in this country and by certain features in the constitution of England. As just said, reforms usually and rightly come one at a time, since this method is best adapted to the conditions of public intelligence. But when they are wisely established it will generally be found that they follow logically from some successful policy, or institution already tried and found beneficial. Hence there can be no harm in suggesting an articulated system of logical consequences from the better principles of the social organism, at least for the sake of theoretical completeness, just as if they might be simultaneously applied, in order to see how such a system will appear. Besides, this is a convenient way to show how complex the problem is and how many reforms are necessary before any proximate solution of the political questions of the day can be obtained. Whether it is practicable to

attain them all at once is not the question, nor even whether any of them are immediately practicable, but only whether, if adopted, they would help to produce better government. Hence I am only endeavouring to outline methods which, in the light of evolution and experience, might save a great deal of reactionary speculation on the part of those who are not satisfied with democratic institutions. Some readers would be astonished if they knew how many people say frankly that they believe a monarchy would be better than our present methods of government. But in my own conviction there are other alternatives than the popular conception of monarchy and our present democracy. Theoretical elasticity is not exhausted by the scholastic simplicity of these two conceptions. The ingenuity of political students ought to be able to devise any number of schemes intermediate between these two extremes. Certainly the remedy for present evils is not so simple as the sympathisers with monarchy assume. The problem is entirely too complex, as I have already asserted, for any single reform to solve, and any man who expects political salvation short of complicated changes does not understand his task. The theoretical consideration of the whole complex problem, therefore, will help to correct hasty inferences in favour of obsolete or obsolescent forms of government, and exhibit the tendencies of evolution along several coexistent lines.

Having conceded, then, that I entertain no illusions in regard to the probable tendencies of democracy toward the referendum and initiative and no expectations regarding a speedy adoption of the suggestions here made, I may proceed to discuss each aspect of the scheme and its relation to every other proposal. The system as an articulated whole will come in for general consideration at the end.

The first measure proposed must not be misunderstood. Hence I have identified it with civil service reform, not yet a fully accomplished fact anywhere, and in state and county governments hardly thought of at all. But it is important to guard against misinterpretation of the proposition to have a permanent official class in the subordinate administrative positions. It is *not* a demand for a permanent *governing* class. A permanent governing class after the type of a hereditary monarchy is especially to be avoided in the interests both of responsibility and of adjustment to changed and changing social conditions. But this is not the case with subordinate officers. They are responsible, on the one hand, and are serviceable in proportion to their intelligence and tenure of office, on the other. Hence the measure is only a demand for permanency of official tenure for those whose work is clerical and subject to the direction of administrative heads. It is simply a method of securing fidelity and capacity in the fulfilment of duties not involving the organisation

of policies, but only the execution of the orders of superiors. It applies natural selection to official appointments as this has been applied in industrial and commercial occupations, and so realises one of the laws of evolution upon which stress is here laid. Consequently it is nothing more than what is known as civil service reform, to be applied according to the present intentions on the widest scale both in general and local governments.

But since it is to some extent an accomplished fact for the federal government, as evinced in President Cleveland's recent extension of the merit system and in the constitution of New York state, and since it commands the approval of all intelligent men, in its main principles at least, it is not necessary to discuss it at length, or to give the reasons justifying it. Its value may be assumed as self-evident. At any rate, it has not been my intention to prove its merits in proposing it as a condition of good government. I have had an entirely different object in alluding to it at all. This object has been to display or secure the assumption which lies at the basis of civil service reform, and which may serve as the key to all other constitutional problems. Civil service reform when secured is an admission and application of the idea *that government can be successful only when identified with the service and ambitions of its best men*, and when the mere politician, shorn of patronage and its powers of mischief, is confined to his proper

duties. It is, therefore, the clearest concrete representation of what the problem is and what must be done to solve it, not so much by mere tenure of office as by the application of intelligence and honesty to the functions of government.

There are, however, other aspects to civil service reform that make it interesting in the study of the problems of government. Its importance is a truism to certain classes of men, but it is not suspected that this importance is purely conditional upon the retention of our present methods of politics. I have said that its chief value lies in the assumption at the basis of it; namely, that fitness should determine the selection and tenure of men for office. But the real nature of the problem involved is not understood even by many of those who are in favour of it. The more intelligent leaders of the movement in its favour appreciate fully its importance for other results than the introduction of business methods into politics, though I hope to show that even the spoilsman, dishonest as his purposes are, unconsciously stands for an important principle which the civil service reformer does not see. Of this again. The present intention is to show how the usual argument for the reform conceals its true import. The argument with which we are most familiar is that it is necessary to prevent constant disturbance and confusion in the public business. This is purely an *ad hominem* appeal to the ordinary business man, who

is in the habit of selecting and retaining the fittest *employés* that he can find for his work. He understands the importance of this method in his affairs and can appreciate the value of applying the same principles to government business. But this argument conceals the moral and political problem and consciously or unconsciously inculcates the idea that the chief value of the reform is merely the economic one; namely, the economical management of public affairs. This is an important end, but cheapness is not the most important matter in the management of government. The public business and finances may be conducted in perfect order, and yet the government be morally rotten, though the men who make their living by black-mailing corporations are not likely to respect business methods in government any farther than is necessary to gain the political positions which enable them to carry on their nefarious schemes of black-mailing property. Hence while it was necessary to adapt the argument for civil service reform to the ideas and experience of those whose support was required to secure it, the real motive of its more intelligent advocates was based upon an entirely different conception of the problem involved in the adoption of their policy. The real object of the defenders of civil service reform is or ought to be *the removal of those conditions which make the pursuit of office a mercenary vocation*. They saw that in the Roman Empire,

when office was sold to the highest bidder in the army, or became an object to be sought for its opportunity to plunder the public, the social fabric crumbled to pieces, and they have sought to prevent the repetition of a catastrophe from which it required five hundred years to recover. But they could not effectively present so philosophical a conception of the situation to the public who knew and understood little or nothing of history and as little of the abstract principles of government, and hence have been compelled to put the case in a form to appeal to personal experience, even if this method concealed the most important aspect of the reform. Behind it all, however, was the conception that office must not be regarded as a position for exploiting society, but as an opportunity for *serving* it, whether as a vocation in which the *quid pro quo* is a salary and security of tenure for faithful service, or as a work of grace in which the *quid pro quo*, if any, is the honor attaching to it. But such a conception of public office is not the prevalent one, and the very necessity of making an *ad hominem* argument in terms of the commercial ideal with its individualistic and economic policy is evidence that the real nature and importance of the reform is not generally appreciated. The social feeling does not exist in the majority in terms of which the appeal for the reform can be made. The economic ideal has seized the conception of public office, aided by

the socialistic demand for state assistance and protection in business and poverty, and by the same socialistic spirit demanding the multiplication of laws which imply a decline in the sense of liberty and offer increased opportunities for deception and black-mail.

The great cry of the enthusiasts for democracy is that this country is the home of liberty and the paradise of the poor man. And "poor man" in this conception means the socially as well as the economically poor. The sentiment of equality upon which our institutions were founded came in to reinforce these ideas and every man, wise or ignorant, rich or poor, is said by the ignorant or poor man to be equal to every other. This is true in respect to the right to justice, to opportunities for the pursuit of happiness, and to the protection of the law against the infringement of his legitimate liberties; but it is not true in any other sense. But the feeling of equality has ignored this distinction and extended itself to the so-called right to hold office. The masses maintain that they have the same right to hold office and to govern the social organism as the more intelligent classes. I do not say "better" classes, nor aristocrats, because these expressions are perpetually misunderstood by the ignorant part of the population. "Aristocrat" has come to mean only the rich and has no flavour of social and moral quality which once attached to the term. Unfortunately there is

too much truth in the changed conception: for our modern "aristocrats," as a class, are only rich and anti-social, while their predecessors were both rich and social, and the change has been as much due to democracy as to any other influence. For democracy has intended to level all distinctions, and having raised the spirit of equality must expect it, in the hands of the indiscriminating, to extend its claims from the right to justice to the alleged right to govern. I grant again that the poor have the same right to govern as any other class, but only on one condition; namely, *that they should be as fit and honest as the more intelligent classes*. The fact is that they are not this, as is clearly proven by the class of men they elect to serve society, these very officials all the while creating the very conditions of which the plebs complain so bitterly, by favouritism toward corporations, by political corruption and piracy, and by every form of cunning deception. But this aside, the feeling of equality extends itself from the right to life, liberty, and the pursuit of happiness to the use of power, and puts the claim to office upon the same basis as all other rights, reducing it from a social function to an individualistic interest, a personal instead of a political vocation in the best sense of that term. To maintain the appearance of this equality the plebs insist that they should elect the incumbents of office if they cannot hold it themselves. If they elected or were capable

of electing the best men to political places no resistance would be made to this claim. But on the plea of choosing one of their own kind they seem only to elect thieves and pirates to office. They are so morbidly envious of what they call "aristocrats," who in the proper sense of that term are the only persons fit to exercise the functions of government, that they ignore the part of intelligence and honesty in the successful use of those functions. They are just as much possessed with the economic ideal as the plutocrats whom they affect to hate, and treat public office as an economic pursuit; namely, as a place for making a living without regard to the question of service to the community. They regard it from the egoistic instead of the altruistic point of view, if I may borrow a distinction from ethics to describe the moral temperament of the plebs. They have simply carried over to the political world the ideals and motives of the industrial field. Industrial occupations are governed by egoistic impulses. I do not assert or imply that selfishness is absolutely necessary to industrial success, but only that, as a matter of fact, selfishness is the predominant motive in the business or economical world. The one means by which we limit its power to do evil is the enforcement of the right to exploit others *under the conditions of private contract*. Service to the community, however, is either not performed under any contract, responsibility not being adequate, and

hence requires an altruistic and honest will to fulfil social duties, or it should be placed under *some conditions of responsibility* that will perform the function served in the economic world by the condition of private contract, where whatever evils occur are the consequences of the voluntary acts of the subject instead of being the arbitrary imposition of a foreign will. Hence we have no right to treat public office as a place for any other functions than the consideration and protection of other interests than our own. But the plebs and their representatives do not see it in any other light.

The whole difficulty lies in the failure to distinguish between three forms of exploitation of which men are capable: (1) There is the exploitation of nature, an undoubted case in which men can be said to have an equal right. (2) The exploitation of fellow men under the conditions of private contract, a case where rights can also be equal, subject to the limitation just mentioned and the principles of morality. (3) The exploitation of fellow men by the use of political power, a case in which no right exists at all. But the right to hold office, under the conditions mentioned, is confused with the right to exploit nature. Men suppose that because they have an almost unlimited right to make their living from nature they have the same right to make it at the expense of their fellows, which may be true in a state of savagery, but not in contravention of

the social contract which organised society is supposed to represent. These distinctions of rights, however, are not made by the masses when urging their equality with others, though it is hard to see how their demands and conceptions differ much from the plutocrats' claim to plunder the community in the name of protection and the black-mailer's policy of legalising the plutocrats' piracy in return for his freedom to share in the spoils and to plunder anybody else he can. But this equality with knaves and scoundrels of any kind only proves what I am contending for; namely, that the public service cannot safely be put on the same basis as the economic pursuits. It is not a place to make a living except on the condition *that the function be made adequately responsible*. Political office is a service for other than personal objects. It has no resemblance to economic industry, in so far as its object is concerned, but only in regard to the intelligence necessary to make it successful. It is for the protection of social order and rights and so requires a wholly different set of motives from the purely economic impulses. The economic world permits a primary reference to personal gain, even at the expense of others, if only under the limitation of private contract. The political world must repudiate this conception or terminate in anarchy, unless it can apply perfect responsibility to all its servants. Government requires that order of mind and character

which can put the rights of others above personal considerations and temptation to exploit society. But the struggle for existence among the proletariat shows them unfit for the exercise of any such qualities. It represents above all the egoistic class, and yet when society requires the limitation of exploitation to operations against nature except under the condition of private contract, this class still clings superstitiously to the idea that office is one of the inalienable rights which it possesses without either intellectual or moral qualifications for it. I may illustrate this by an interesting fact from the recent municipal campaign in New York City.

One of the Tammany leaders remarked after the election that the success of the candidate for the Citizens' Union "would have been the greatest disgrace and the greatest evil that can ever happen to this country." I give his language as reported. It sounds very strange to most of us, and perhaps absurd or false. We can understand why Tammany should desire to prevent the success of that movement, but it seems strange that what most of the intelligent people all over the United States earnestly worked for should be a disgrace and dangerous, as if intelligence were poison. Ordinarily the ideas of intelligent people, as that expression goes, would be respected and require intelligent refutation. But here they are characterised as producing only disgrace and evil, and this by a Tammany tough!

When the devil assumes the garb of virtue we can only put our arms akimbo and gasp, supposing that he is going to reform. But from the point of view of this Tammany heeler his conception of the case was entirely right. He with his kind look at office as a vocation for making one's living, and so demand that the proletariat have the same right to get it as the more intelligent classes, or as the Tammany heeler would say, the "aristocrats," with a dash before the term. What he saw was that adoption of the idea that special intelligence and morality are required for public duties would discriminate against him and his compeers, and overthrow the assumption of the whole proletariat class; namely, that the right to make one's living out of public office is as much the privilege of the "plain people" as of the "better classes." This assumption is true, but only on the condition that this privilege be denied to both classes. Nobody has any right to a social function except on the condition that he establish his fitness to exercise it rightly. Such a qualification is not required for the exploitation of nature, in which rights are not limited. But when it comes to a claim to exercise the powers of government political rights are limited absolutely to the disposition and the ability to serve the public and cannot be conceded to any economic idea of office except on the condition of perfect responsibility. This can be proved by the only two conceptions of

society possible. They are the individualistic and the socialistic ideals. The individualist maintains that government exists purely for the protection of equal rights, to enforce the method of private contract in men's dealings with each other; that is, to prevent them from eating each other up. The socialist maintains that government exists for the purpose of taking care of its citizens instead of allowing everyone to provide for himself subject to the equal rights of others. Now it is clear that the socialistic form of government must require that its rulers shall look upon office as an opportunity for the exercise of benevolence and not for the exploitation of anyone. This view is a logical consequence of the "plain man's" claim on government expropriation of all property as an escape from the exploitation of the capitalist. But the ruler must be either this same capitalist who has no moral and benevolent disposition to give up exploitation, having in his official capacity the full powers of government, in addition to superior intelligence and prudence, to enforce his personal interests without any limitations by the principle of private contract; or he must be some other man than this capitalist with the benevolence in order to secure citizens against exploitation. But if he, the latter, like the capitalist, looks upon his office as a personal perquisite, a mere means for making his living or improving his economic and social condition, all the evils of the capitalistic sys-

tem would be restored without any of its benefits. Consequently, on the socialist's conception of government there is no alternative to the conception that office cannot be treated as an economic pursuit except on the condition of perfect responsibility. On the other hand, the individualistic system equally requires a public spirit on the part of its officials as a condition that their power is not used for the exploitation of society, except again on the supposition of adequate responsibility, which means that we have a method of subordinating personal motives in official conduct to the service of the public.

All this shows very clearly that in a system where the officials or executive agents of government are not responsible moral character and intelligence are the only guarantee of good service, and that any other view of the matter only creates a paradise for the spoilsman. The maxim in politics that "to the victor belongs the spoils" is only a direct application of the principle that office and its opportunities are the free power to live upon others. It is the maxim at the basis of a military *régime* which is anti-social in its organisation and government. Military methods not only represent absolute power in the ruler, but also involve the coercive subordination of the minority and tend, by virtue of their irresponsibility, to create a disposition to exploit the minority, unless the despot is benevolent. Now de-

mocracy deifies government by the majority and if it adopts the maxim of military power with its disregard of the minority it will construe public office only as an opportunity to "spoil" others. Social policy involves as much respect for the welfare of the minority as for the majority, but the "plain people's" conception of it makes office nothing more than the distribution of the chances to get at the public "pap," this "right" being the reward of "political" warfare, the henchman's claim upon the gratitude and power of the politician. The whole force of the principle comes from the universal admission of the spoilsman's maxim in military affairs and the assumption that government by majority shall imitate this policy.

Now I am not going to quarrel with abstract principles. The real difficulty is not with the maxim, but with the men that apply it. No one cares a picayune about the forms and maxims of government, except the scoundrel who is envious of power, if only they secure honest men and good government. Hence it should be the practical application of the doctrine, that "to the victor belongs the spoils," which should excite the opposition of the civil service reformer. If there is anything wrong in the principle this is wholly due to our democratic institutions. The practical results depend upon either or both of two facts: (1) Who the "victor" is, and (2) What the spoils are. As to the first of these con-

siderations if the "victor" be a conscientious public-spirited man no one but those who know that our institutions are not likely to secure such men generally for their servants will object to the power involved in the principle; because everyone can see that such a person has the character and intelligence to enforce respect for the public service. It is the "victor" who has no regard for society that determines the practical limits of the spoilsman's maxim, while its theoretical limits are determined by the fundamental defect in our democratic constitution which provides no responsibility for the politician. The real difficulty, both theoretical and practical, is the fact that the rotatory system of appointments makes subordinates responsible to men who neither have any moral sense of responsibility to the public, nor are subject to any adequate limitations of their power to do evil by legal or constitutional agencies other than the electorate *who are themselves to be governed*. The whole problem here is the responsibility of the appointing power. Moreover, taking the second consideration, there are some things which never come within the legitimate reach of any victor, martial or political, and whether conscientious and public-spirited or not. Even warfare limits the field of legitimate spoils. Napoleon was not allowed to appropriate permanently for France the art treasures of Europe on the ground that they were not contraband of war, though still grant-

ing the retention of all that could be so regarded. Consequently, the spoilsman's maxim is not so universally true as he would like to make us believe, and certainly the liberty to exploit society is not "contraband" for the politician, except that he can be made amenable to social discipline. He must show that the irresponsible power which he claims is for the benefit of the community, and not that it is a maxim of war, a curious analogy for politics. No man except a knave would attempt to claim this power as an abstract right. But no other principle animates our average politician. Hence what we find in the use of his power when he obtains it is the fact that he displays no sense of responsibility to the public, and in the absence of adequate machinery for controlling the action of both the executive and the legislative incumbents, and not willing to undertake the tremendous task either of converting an indifferent public to a better theory of responsibility for higher officials, or of getting it, when found, through our almost impossible methods of constitutional change, the civil service reformers limit their energies to the immediately practical problem in which a direct interest is possible; namely, the security of a permanent tenure for men in subordinate positions who show their fitness for the duties of their office. As I have shown, the reformers are limited to the commercial argument in attracting support. They are of course helped to their ends

by the scandals of the spoilsman's administration of government.

But the civil services reformer, after all, by this policy, simply rushes from the frying-pan into the fire. In attempting to limit the power of executive and administrative officers, and to secure indefinite tenure for subordinates, to that extent he diminishes the responsibility of the latter to their chiefs without creating it in the superiors. He may create a situation in which better men will be willing to take public office, but he curtails the principle of responsibility to the same extent, and this is theoretically opposed to the very principle of democracy. Security of tenure is the fundamental characteristic of hereditary monarchy, and this is the *bête noire* of democratic people. This limitation of the power of appointment and removal, for civil service examinations, on the one hand, and security of tenure, on the other, amount to this limitation, may prevent scoundrels from effecting their purposes, from looting the public service and rewarding their henchmen by treating office as a personal perquisite; but it also prevents good officials from improving the public service when they are in the position to do it. Now if we succeeded in electing trustworthy rulers in all cases there would be no demand for civil service reform, so that the very existence of this demand is unimpeachable proof that democracy has failed to secure its best citizens for its rulers. Even

the partial adoption of it is testimony to the same fact and also to the fact that in lieu of obtaining respect for the public in executive officials, or of contriving a method for making them responsible, we have to be content with depriving them of their power to make things worse, though we prevent the honest man, whom in some unaccountable case of good luck we may obtain, from making things better. Hence I confess frankly that civil service reform, important as it is in the absence of a power to control appointing officers and for the idea that fitness is the only proper title to public office, has totally failed to solve the problem which its advocates put before themselves. It does not effect the responsibility of the executive and diminishes that of subordinates. Like the principle of "checks and balances" it is only an increase of irresponsible power in the operations of government.

The spoilsman, therefore, is right in his position: I do not say in his intentions, but in his position. For it would hardly be too severe or untrue to say that the average spoilsman is a knave and a hypocrite when he is not a fool. He does not insist upon the right of the victor to the spoils for the sake of good government, but only for the sake of using an accepted premise to enforce a conclusion which conceals his real purpose. But stripped of the interpretation and practical application which the politician gives the formula, it still has at its basis the impor-

tant conception that subordinates should be completely responsible to those who direct the government. The executive should be able to remove and appoint subordinates as the improvement of the public service requires. He should be able to carry out his policy without restraint, with the proviso of course that he intelligently and honestly serves the public, the fact that limitations to his power of appointment and removal have to be established only proving that such officials cannot be often enough obtained. But with adequate security for the proper use of executive power this official should be allowed to organise and direct the service under him with all the efficiency and freedom from constitutional and legislative restraints possible. The opponent of civil service reform, therefore, stands for the principle of responsibility in government officials, though this is not his avowed object, especially for himself. On the other hand, the reformer has to sacrifice responsibility all around, in lieu of a method to establish it, in order to correct the abuses of the spoilsman, and hopes that security of tenure may compensate for the loss of responsibility by obtaining better subordinates and saving their experience, intelligent and conscientious men being unwilling to place their lives and fortunes at the mercy of the spoilsman who does not respect fidelity to the public. The way out of the difficulty is, at least theoretically, an easy one, and is to establish the responsibil-

ity of the executive, which I shall here attempt to do in a practical way. But in the present situation the spoilsman, for his own reasons and unconscious of the real strength of his position, seeks the responsibility of subordinates at the expense of it in himself, while his opponent, looking only at the practical working of the present system, sacrifices responsibility altogether and creates as serious a problem as he solves. He requires to go much deeper into the case and to make power with its duties responsible instead of withholding it. But his present policy, though it restricts bad appointments, also either checks necessary removals and relaxes discipline or nullifies itself. If an executive cannot use his discretion in the removal of subordinates, but is hampered by the necessity of satisfying everybody about the cause and by presumptions in favour of permanent tenure, reforms may be prevented or delayed: if he can remove at pleasure civil service regulations amount to nothing, since the power of removal at discretion involves the same power of appointment.

That this is the situation is shown by a recent decision of the Supreme Court.* In a case of re-

* *Parsons versus the United States*.—*United States Reports*, Vol. 167, p. 324. After stating the appellant's case in favour of tenure as against removal, the Report says: "This could never have been the intention of Congress. On the contrary, we are satisfied that its intention in the repeal of the tenure of office sections

removal by the President an appeal was made to the courts to show that he had not the right of removal under the law, and the Supreme Court denied the appellant's claim, maintaining that the right of removal under the law remained intact. The spoilsman won a legal victory in this decision, because discretionary powers are a very indefinable thing and the power of appointment must go with that of removal; and consequently the whole fabric of the reform was threatened by it, in so far as the law was concerned. There was, therefore, no hope for the reformers' policy *except the intelligence and honesty of the appointing power*. If the executive shall thus be practically irresponsible the only guarantee of good government must be the personal character of the electorate's choice. The spoilsman has won the abstract right of removal, with which goes the right of appointment to fill vacancies, and unless the decision is modified, he has now only to secure of the Revised Statutes was again to concede to the President the power of removal if taken from him by the original tenure of office act, and by reason of the repeal to thereby enable him to remove an officer when in his discretion he regards it for the public good, although the term of office may have been limited by the words of the statute creating the office. This purpose is accomplished by the construction we give to section 769, while the other construction turns a statute meant to enlarge the power of the President into one circumscribing and limiting it more than it was under the law which was repealed for the very purpose of enlarging it."

the election of executives who are in sympathy with him. Hence if democracy does not select for its executives (as the very existence of civil service reform laws prove it does not) men who will voluntarily respect the reformers' ideal, then we shall be forced to seek some other means to this end. The determination of responsibility for the executive will effect this object, if it is itself possible. Establish this and we could sacrifice the present civil service laws, fulfil the unconscious demand of the spoilsman for complete executive efficiency, and secure all the objects that the reformer hopes to get by security and permanence of tenure. The whole problem, therefore, is to contrive a method of applying responsibility to the executive without impairing its efficiency for action in the interest of good government while limiting its influence for evil. Is this possible? At any rate the problems associated with civil service reform indicate very clearly that this is one of the issues to be settled.

Before developing or proposing a plan for this end I must indicate an important reform in the selection of representatives and the differentiation of legislative functions. The former is the fifth and the latter the sixth of the general changes suggested. The first of these, put in a concrete form, is a proposition to adopt the English system of representation with a slight modification, the change being a compromise with our policy. Much that is attempted

by civil service reform would be effected by this method. It is the application of natural selection to the choice of representatives in Congress and the legislatures. It can be embodied briefly in two propositions. (1) Select candidates for the Lower Houses without regard to residence, except that, in Congressional representatives, they shall be citizens of the state from which they are chosen. (2) Select members of the Senate or Upper Houses without regard to residence, except that State senators shall be residents of the state for which they are chosen.

It is apparent at a glance what the modification of the English system is. Concession is made to the principle of local representation which is based upon population, while both are extensions of present policy to introduce competition among the best men for honor and power. The system would offer a good man the opportunity for vindication against the whims of some local constituency, as it does constantly in England, and for exhausting the resources of corruption in the attempt to prevent honest men from securing political power. The advantage of it is found in the premium which it would place upon intelligence and independence of the ignorant masses, while it at the same time curtails the opportunities of unsavory political reputations, though it may not suppress them. But in this country the influence of an overwhelming defeat in any constitu-

ency almost always means political death to an able man. Generally, if he turns up with political power and influence of any kind at all, it is not in the form of a vindication of his judgment and action, as in England, by an election from another constituency, but in the form of an executive appointment as a person to be "taken care of" by the party. This is not the survival of the fittest, but encourages all sorts of corrupt influences for killing off the best men one by one in our legislatures, leaving accessible only those characters who are subservient to machines and lobbies. The practical difficulty, which I fully recognise, in such a proposal is the actual prejudice against any but local representatives. But a systematic series of attempts to realise the system might gradually educate the electorate to see its merits, though it met only with failure at first. Its value is well attested in the experience of the English Parliament. Mr. Gladstone would have been retired long ago in our system. If our method had been prevalent in England he might not have survived his defeat at Oxford early in his career. Sir William Harcourt could not have secured re-election after his recent defeat before an old constituency, and Mr. John Morley could not have been besought to re-enter Parliament after his recent defeat at Newcastle, had it not been that representative men can have constituencies which are proud to secure their services without regard to local resi-

dence when the accidents of political fortune are against them in some other locality. In fact it is comparatively easy for even distinguished Americans to enter Parliament by election, and with greater facility than they can enter their own Congress. In this country the lack of such opportunities drove Judge Thurman from public life after a defeat secured by corporate influences whose selfish aims he would not favour at the expense of the public: and the same could be said of others whom it may not be best to mention. But after the practical demonstration of its value in England it ought to be perfectly clear that it is far superior to our present method which is a concession to the idea that all persons have the same right to office without regard to intelligence or honesty, and so does nothing to accomplish the survival of the fittest in political life. On the contrary, it does the very opposite, and our politics are only an illustration of the "devil's chicane." I do not propose it in the pure form which it takes in England because this country is so large that a greater diversity of interests is noticeable and men have less opportunities to be acquainted with various local conditions than in England. Hence a larger concession has to be made to the principle of local representation in this country. But we have gone to the opposite extreme in our system and offered too much encouragement to the habit in a representative of considering only

the interests of his locality, while we need the habit of larger federal views, especially as social and economic solidarity is extending its area far beyond the old idea of local interests. The only value in our present system is an unconscious one. In the absence of adequate responsibility for the executive and imperial functions, and with the presence of the conflict which the domination of local representation gives to legislative action, with its "check and balance" on the sacrifice of one community to another, we have an escape from socialism. But with the responsibility of the executive, on the one hand, and security for the election of more intelligent representatives there is no reason why we should not accept as much of the English system as the conditions of our country will permit or allow.

It is the proposition to differentiate legislative functions and to strengthen the influence of the executive over legislation that is one of the most important, and perhaps the majority of people would think, one of the most dangerous innovations here suggested. But the simple reason for this change is the mixed corruption and impotency of our legislatures in spite of their theoretical omnipotence. Representatives are too often either absolutely unable or unwilling to meet the enormous responsibilities resting upon their shoulders. In the early period of our history their duties were more easy of accomplishment, owing to greater simplicity of

social and economic conditions, and custom imported from the mother country assisted in the choice of better men. Machine politics and their concomitants were not yet known. But the growth of complexity in our industrial, social, and political institutions, with political "bosses," methods of blackmail by legislators, and facilities for jobbery of all kinds have opened a thousand sources of undiscoverable and unpunishable political actions, where representatives are disposed to avail themselves of them, and when they do this legislation demands of them capacities for general knowledge that cannot be acquired by the average man sent to Congress and the legislatures for such short periods and with only a little local experience to guide him. Congressmen require considerable omniscience to fulfil their responsibilities, but they possess very little of that qualification, and too often no honesty, public spirit, or devotion to the real interests of the country. Too poor to disregard the salary attached to the office, they must consider their personal interest to secure a re-election, which puts them at the mercy of any unscrupulous man or men who may hold the balance of power in their districts and consequently the man who will follow the "boss," or "work" the proper portion of his constituents can get the place and salary while the intelligent and conscientious man who thinks less of the remuneration than of his duty to the public must remain at home. The

timeservers, demagogues, and men with an elastic conscience are the successful bidders for the offices and salaries. They know how to use good sentiments and patriotism for votes, the voters all the while running trustfully after the devil, who is sure to draw them into the bottomless pit. Mephistophiles always gets Faust at last. You may say that Faust is finally saved. This is true: but it is not by the devil. Bad politics the office-seekers know well enough, but of state-craft they are as innocent and ignorant as the people who send them to the legislatures. But whatever their character, which in many cases cannot be painted blacker than it is, they are undoubtedly overburdened with responsibilities which no body of men elected as they are can possibly fulfil to satisfaction. Make them as honest as we please, the complexity of human interests is so great with our large population, our railways, our vast and varied industries, that any body of men, picked out by political methods worthy of Pandemonium, cannot possess the knowledge to meet such questions as taxation, banking, currency, international affairs, political, social, and institutional, and the thousand problems of justice involved in them. Hence for the purpose of relieving them of impossible duties, and securing better intelligence and more independence, let us propose a method, which divides the work of legislation and which is recognised in principle by the appointment of Con-

gressional committees, and more especially by the Interstate Commerce Commission. It is the latter type of institution, however, which I suggest, as it takes us outside the legislature altogether. The suspicion that it would be a form of bureaucracy is removed by the fact that its powers will be neither executive nor legislative, but deliberative. Examination of it will show this. The proposal, therefore, is not new, as it has frequently been mentioned in recent years for tariff problems. But the powers which are here to be conferred upon them represent a most important modification both of the legislative system and of such a body as the Interstate Commerce Commission. What I would suggest, therefore, is a complete system of Commissions, covering the whole field of legislative functions, appointed by the executive, and qualified with an influence over legislation to be defined and discussed again. In general they are to have functions not unlike the Parliamentary Commissions of England in some respects, though as decidedly different in others. I shall first enumerate them.

1. A commission on Banking and Currency.
2. A commission on Taxation and Revenues.
3. A commission on Appropriations and Internal Improvements.
4. A commission on Industrial and Labour Problems.
5. A commission on General and Unclassified Legislation.

In this scheme I have left the control of international affairs as at present in the hands of the executive and the Senate. The modification of the Senate to be considered later will justify the retention of the present powers in that direction. The efficiency and usefulness of the Commissions, however, will depend wholly upon the method of their appointment and the powers which they possess. Even if they possessed no more powers than some of the English Parliamentary Commissions, or our own Interstate Commerce Commission, which are largely advisory, they would be extremely useful. Though our Commission has not solved many railway problems, because its powers are restricted, it has nevertheless collected an immense mass of important information for the guidance of public men, and prevented a large amount of crude and hasty legislation by Congress. This result is no mean service when we consider either the ignorance or the knavery of the average legislator in this country. The need of such Commissions is suggested by this condition of things and by the nature of Congressional and legislative Committees. The fatal defect of these latter committees is the fact that they are purely political in their formation and motives, and so are poisoned by that spirit which looks and perhaps must look after votes for the retention of office and its opportunities for gain. They are made up of the very men whose responsibilities are greater

than their abilities, and whose powers are limited by no check but the ill-will of the electorate, which, however, is pliable enough to the arts of the politician. Congressional Committees are necessary and I do not mean to wholly supplant them by the Commissions: for even party spirit, when responsible or limited in power, may be useful. Congressional Committees should be retained for the same reason that they now exist; namely, for the division of legislative labour and as a check on the anarchy of the legislative bodies. The very existence of these Committees is an illustration and proof of two facts which sustain the proposals here made. They are: (1) The operation and necessity of the law of differentiation of functions, here made the basis of further reforms, and (2) the fact that large bodies of men *are better voting and defensive than they are deliberative and constructive agencies*. Hence to give the Commissions which I propose adequate powers for constructive work and influence over legislation, I suggest the following constitutional qualifications, reducing the constructive and strengthening the defensive functions of legislative bodies.

1. Appointment by the President or Governor.
2. Tenure of office during the executive term, though subject to reappointment, and liable to removal by the Court of Impeachment.
3. The presentation of all legislative bills to the

proper Commission and the right of initiation of bills by the Commissions.

4. Compulsory report, favourable or adverse, on all bills before the close of legislative sessions.

5. The right of participation in legislative deliberations and debate without the right of voting on proposed legislation.

6. Meetings and deliberations of the Commissions to be open to the public.

It is evident that this system introduces a powerful influence to limit the powers of the legislative bodies as constructive agents, though only as powers that are capable of enforcing intelligent deliberation upon important matters of law and administration. We have seen that the anarchic tendencies of legislative debate and action have necessitated clothing the Speaker with despotic powers either for preventing legislation, or controlling the conduct of the legislature, and also that Congressional and legislative Committees are practically irresponsible, doing their work in the dark and never being called to account for it. These Commissions make the legislatures deliberating assemblies, granting or refusing the legislation desired by the executive and the Commissions, and make unnecessary enormous extension of the present Speaker's powers, while they also diminish the constructive duties of the legislature, though the Commissions themselves have neither administrative nor voting powers in deter-

mining laws. But before further considering their functions it is important to propose a further division of labour, whose value will be determined by the manner in which the two Houses are constituted, as outlined later in the discussion. They will favour dispatch and intelligence in the conduct of legislation, while enforcing the necessary deliberation on matters requiring it, and all with the security that comes from responsibility to the Court of Impeachment and Removal, so that there will be the minimum amount of apprehension from dangerous political action. To attain this end I would propose the following distribution of powers and duties:

1. The submission of all bills on Banking and Currency to the Upper Houses alone.

2. The submission of all bills on Appropriations and Internal Improvements to the Upper Houses alone.

3. The submission of all bills on Taxation and Revenues to both Houses.

4. The submission of all bills on Industrial and Labour Problems to both Houses.

5. The submission of all bills on General and Unclassified legislation to both Houses.

6. Joint deliberations at pleasure of the Commissions on Appropriations and Taxation, and combined action on bills to be reported, though a majority of each Commission must be necessary for a report.

7. The executive right to veto individual items of expenditure in bills of appropriation.

The joint deliberation and action of the Commissions on Appropriations and Taxation are in imitation of the English and Continental methods where there is no conflict between the money-collecting and the money-spending agencies. The English Exchequer, for instance, both makes up the budget of expenses and suggests the taxation to meet them. Two Commissions are named here in order to divide the work of collecting the necessary information for presentation of the special subject to the proper House, and for the defence of the bill in the deliberations of the legislature. The control of appropriations is left to the Upper Houses alone because expenditures should be regulated by the property interests that have to bear them and by the most intelligent functionaries of government. How this disposal of them will effect the desired result will be apparent when we have considered the franchise and the constitution of the Upper Houses. On the other hand, all bills of taxation and revenue are to be submitted to both Houses because the incidence of taxation can be made to affect non-property holders as well as others. Appropriations should not be made by any parties that can black-mail property and ignore intelligence in their conduct, and taxation should not be imposed upon non-property holders without an opportunity to prevent any

unfair distribution of it. This is simply a recognition of the intentions of the present system. Banking and currency should be in the hands of those who have intelligence enough to manage the delicate economic problems involved. If some general principle fixing the interests concerned, such as a prohibition upon the issue of irredeemable currencies, should be embodied in the constitution, the Supreme Court and the Court of Impeachment and Removal could be relied upon to prevent abuses of banking privileges. Moreover, the fact that the constituency composing the electorate that chooses the Upper Houses will consist of both debtors and creditors, the labourer being neither unless he owns property or borrows money, will be a decided check against financial favours and monopolies, while the exclusion of the proletariat from influence in matters about which they know nothing can only give us the better currencies, lower rates of interest, and more stable finances of Europe. The restraining effect of giving the executive a veto power over individual items of expenditure in appropriation bills is apparent without comment of any kind, save that we may be permitted to remark that it must effectually put a stop to that "log-rolling" and political intimidation on the part of individuals and minorities holding the balance of power, by which such bills are loaded down with shameful provisions as a condition of getting even necessary appropriations made

at all. This veto power would force every item to stand on its own merits. The disposition of Industrial and Labor legislation, and of General political matters involving the rights and personal liberties of citizens and not affecting property interests, is designed to consult all the parties concerned. All questions of contract between different interests and the use of police power should be referred to both Houses.

The same general scheme can easily be adjusted to municipal governments, with an increase of the appointments to be made by both Governors and Mayors to cover a number of offices now elective. There would be no need for Commissions in municipalities; the heads of departments would suffice for this purpose, if appointed, as I should make them, instead of elected. All officers, state and municipal, except the legislative and executive may be made appointive. The chief advantage of this comes from its simplifying the duties and claims made upon the elector. At present the multiplication of officers to be voted for, and the complicated problems of administration to be considered, tax beyond all measure the intelligence and abilities of the voter to determine wisely. Very few men have knowledge enough, either of the subjects involved or the persons appearing as candidates, to choose with equal wisdom the whole number of officers in a large municipality like New

York, Philadelphia, Boston, or Chicago. It is the same with state officers other than the executive. It requires much wisdom and knowledge of men and things to choose a good Sheriff, a good Comptroller, a good Recorder, a good Coroner, a good Commissioner of Public Works, etc., and this knowledge is not possessed by many of the voters. The most highly educated men feel a difficulty here, if not in regard to the kind of qualifications involved, certainly in regard to a personal knowledge of the ability and character of so many candidates. The masses do not lack in confidence regarding the matters, and are ever ready to assume the gravest responsibilities with a light heart. This is because their only criterion of fitness for office is a "hail-fellow-well-met" manner in their representatives and the readiness of the latter to pander to their vices, or to their self-confidence if not to their vices. But wiser men would prefer to have their duties proportioned to their knowledge. Hence, as it is much easier to choose a fit man to make these appointments than it is for the electorate to ascertain the qualifications of a dozen men for as many important departments of public service, the advisable course is to make the executive elective and all other officers appointees. The qualifications for appointing fit men to office are much more easily determinable than the executive abilities and general fitness of men for special functions. I shall not settle at

present the question whether the municipal legislature should consist of one or two bodies. This will depend upon considerations to be discussed later and when the limitation of franchise comes up for notice.

It will be quite apparent from the scheme as thus far developed that it enormously extends the influence of the executive, at least indirectly if not directly, over the course of legislation, and to the same extent curtails the powers of the legislature. Here is where the advocates of democracy may be expected to make their stand and to object most vehemently. If nothing further were to be proposed as a limitation of this influence the criticism that it involves a dangerous increase of political power would be admissible, or at least intelligible. But there now comes that part of the system proposed which includes a limitation of executive authority without limiting its duties, an agency for determining the responsibility of all government officers, other than to the electorate, and a further division of the functions now belonging to the legislature. It consists of two independent courts which may be denominated as follows:

1. A Court or Board of Confirmation.
2. A Court or Board of Impeachment and Removal.

The Court of Confirmation is intended partly as a restraint upon executive powers of appointment

and partly as a means of preventing the legislature from bartering with the executive for favours. With this limitation the executive cannot be arbitrary in the selection of his subordinates and the legislature cannot dictate the terms upon which the executive shall obtain necessary legislation. The "check and balance" system cannot under this proposition have the temptation, or at least the same temptation, to grant the necessary legislation on condition that certain personal favours are conceded. Thus, by taking away the Senate's power to confirm executive appointments, except in one case, we should restrict its power to do harm and should secure a body of men equal in dignity with it and qualified by its long tenure and circumscribed duties to act in the interests of the public. The underground politics of "bosses" and knaves demanding a *quid pro quo* for serving the public cannot be so easily carried on. It will be only a question of serving or not serving the public according to their promises and the declared duties of their position. The objection that the Court being appointed by the executive, will not act as a restraint upon his action will not weigh in the case, because the long tenure of the Court will make it like the Supreme Court at present in respect of independence, and in addition the limited amount of duty imposed upon such a Court will make it possible to have its services given without a salary and the selection of incumbents

made from men of intelligence and leisure. Its constitution and functions may be defined as follows:

1. Appointment by the executive.
2. Long tenure of office, twelve, sixteen, or twenty years.
3. Confirmation in office by the Upper Houses.
4. Its function to be the confirmation or rejection of all appointments by the executive, except its own members.

But it is the Court of Impeachment and Removal that constitutes the most important of these two functions of government, and that is the key, as I have already remarked, to the whole scheme which I have proposed, since it is the institution that introduces a direct method of applying adequate responsibility to the executive and legislative agencies beyond the reach of the Supreme Court, the executive not being affected by this last Court at all. It is intended also to divide the functions of the executive, so that the only interest which it will be safe for that officer to cultivate will be the public service. At present, as we know, the executive has the power both to appoint and to remove subordinates at pleasure, subject to the civil service regulations, which we have seen in a large measure defeat themselves if they destroy the power of removal and are saved only by the personal character of the executive itself, so that the control of both appointment and removal involves the opportunity to organise ad-

ministration in behalf of purely personal or party objects, which last can be made to conceal personal ambitions and profits. But if the sole interest of the executive be to make appointments that are not responsible to himself, and removals only with the permission of the Court of Impeachment and Removal, political motives will be largely eliminated and we can expect a better use of the appointing power, while this Court of responsibility supervises with almost absolute powers the conduct of government officials. Instead, therefore, of giving Hobbes's sovereignty to the executive, or limiting its responsibility to the electorate, we propose to give that "sovereignty," or irresponsibility, at least almost this, to the inhibitive agents of government. The constitution and functions of this Court, therefore, may be characterised as follows:

1. Appointment by the executive, and to consist of three members.
2. Appointment of a certain number of persons who shall not serve at the time, but shall succeed immediately on the death, resignation, or removal of serving members.
3. Life tenure of office, except in case of impeachment.
4. Exclusion from appointment to any other office, even after resignation.
5. Confirmation of their appointment by the Court of Confirmation.

6. Summary and absolute power of removal over both elective and appointed officers (within the territorial jurisdiction for which it is appointed), and no power of appointment.

7. The power of suspension to remain in the executive, and also, *with the consent of the Court of Impeachment and Removal*, the removal of officials and the reorganisation of departments in the interest of economy, efficiency, and the public welfare.

8. Power to dissolve the legislative assemblies and to order new elections.

9. The election of one of its own members as President of the Court and in whom shall be vested the absolute control of the military, except in the conduct of international affairs and foreign war,* though even in these its use by the executive must be subject to the consent of this Court.

10. The division by the Court of its own supervisory duties so that each member may exercise the power of removal subject to the revision and approval of the President of the Court, except that the dissolution of the legislatures, the ordering of new elections, and the removal of the executive shall be made by a majority vote of the Court.

11. Subject to removal only through impeachment before the Supreme Court.

* The navy may at all times remain in the control of the executive.

The second provision of this system is designed to eliminate politics absolutely from the appointment of the Court. In the first organisation of it this influence perhaps could not be wholly excluded, though it would at least be minimised as at present in the Supreme Court. Most of the other provisions explain themselves. I have retained the executive power of suspension and of conditional removal for the purpose of maintaining all the possible efficiency of that function in connection with its complete responsibility, while the Court has an independent power of removal in order to strengthen the application of responsibility to the whole public service. Removals in the interest of the public could be made which the executive might not be disposed to suggest.

The value of some such general scheme for applying responsibility to the instruments of government, and putting the "sovereignty" or irresponsibility in the authority which shall mix as little as possible, or not at all, in the positive functions of politics and government must be justified. The general conception of this court which I entertain, perhaps with some modifications, is well illustrated by an observation of Burke in the *Reflections on the Revolution in France*, apropos of the English constitution. Speaking of those who led in the English Revolution of 1688, he says: "They left the crown, what, in the eye and estimation of

law, it had ever been, perfectly irresponsible. In order to lighten the crown still further, they aggravated responsibility on ministers of state. By the statute of the 1st of King William, sess. 2d, called '*the act for declaring the rights and liberties of the subject, and for settling the succession of the crown,*' they enacted that the ministers should serve the crown on the terms of that declaration. They secured soon after the *frequent meetings of Parliament*, by which the whole government would be under the constant inspection and active control of the popular representative and of the magnate of the kingdom."

There is here a remarkable recognition of the principle for which I am contending; namely, the adjustment of irresponsibility to the negative, and of responsibility to the positive functions of government. The crown is relieved of positive administrative duties and granted the power to dissolve Parliament, while the principle of responsibility of the Ministry and of Parliament to the crown is thus recognised, as well as to the electorate. The Ministers, who constitute the real executive in the English system, have a threefold responsibility; namely, to the electorate, to Parliament, and to the crown. The division of powers thus instituted, with the choice of the ministry from Parliament in deference indirectly to the principle of popular government, has many resemblances to the institution which I

have here suggested with some important differences. What I have suggested is more easily adjusted to our present constitution and political sentiment than the English method would be. I cannot but think also that the success of the English constitution has been due very largely to this adjustment of functions in separate agencies, the responsibility being placed upon the positive or executive, and the irresponsibility upon the negative agent. There are differences on which I cannot dwell at length, and which prevent the analogy from being complete. For instance, the responsibility of the Ministry or executive to Parliament or the legislative is wholly excluded from the system proposed here. The reason for this is that our executive is directly elected by popular vote. If the English system of electing representatives were the same as our own, adapted only to local abilities, the kind of men selected would put the Ministry at their mercy as Congress tries to do with the President. It might be said, however, that the proposition to adopt the English system of representation would supply the condition of an improvement in representatives which would prevent the harrying of the executive by demands for patronage. This is true, but the omnipotence of Parliament in the matter of determining the constitution, there being no written law and no Supreme Court to limit Parliament, it is natural that the English system should make the Ministry or real

executive responsible to itself. But for the inhibitive powers of the crown the democracy of England is more thorough than our own and may even be more consistent already than our own. Without the right of the crown to appoint the Ministry, however, the responsibility of this executive to Parliament would be dangerous under any system of representation, and as no power of appointing the executive is given to the proposed Court of Impeachment and Removal and the executive is elected by popular vote, it would not be best to make this office directly amenable to the legislative. If the English constitution as a whole were adopted the matter would be a different one altogether. But all political development and change must follow as closely as possible the conditions and institutions in which they are made. The method proposed here is a mean between the idea of imperialism which is so important in all government, and the democratic idea of responsibility, the natural tendency of the English system being to democratic responsibility alone. The only thing in England that prevents the complete consummation of this tendency is the appointing power of the crown, and in the United States, the non-responsibility of the executive to the legislative. Abolish monarchy in England and that country would go to the referendum more rapidly than we should do under the present system: abolish the Presidency in this country and we should have noth-

ing but the referendum. The executive here has some of the old monarchical irresponsibility with the advantage of great efficiency but with the dangers of corruption and tyranny. In England the executive is responsible, but retains its efficiency partly by the grace of more intelligent representatives and partly by retention of the appointing power of the crown. Why not, then, complete the development, as the Ministry's responsibility to the legislative is counter-balanced by the appointing power of the crown, by giving the executive the efficiency which is limited or destroyed by responsibility to the legislative, and the responsibility of the Ministry to the crown without that agent's appointing power? That is, reduce the "sovereign" to a court of responsibility without any appointing privileges and give the executive all the efficiency that it can have subject to this court with the legislative prescribing the lines of executive action, but not its appointments.

Just as the Court of Confirmation is intended to be a body that shall have no patronage to buy and no legislation to sell, thus making the action of both the executive and the legislative more independent of each other in one respect and imposing a limitation upon the executive in another, so the Court of Impeachment and Removal will operate as a powerful influence for good government by virtue of its inability to cultivate personal interest in determining a positive policy of its own, on the one hand, and

of its power to make officials directly responsible to intelligent public sentiment, on the other. The intended value of the institution lies in the division of power involved in the separation of the appointing from the removing function. The executive, in this conception, can use its power only in a positive direction and will be under fewer temptations to abuse it: the Court of Impeachment can exercise no positive functions in government, but only that of restraint and punishment, so far as removal may be considered punishment. The objection to any such division of functions, that deprivation of the power of removal by the executive hampers his power for good as much as it does that for evil is answered by the fact that he still retains this privilege subject to the approval of the Court. The objection to this limitation upon the executive in our present system obtains its force from the fact that when it exists no one else is given any summary powers of discipline and restraint. Besides civil service methods endeavour to limit both the powers of appointment and removal, as I have shown, with their curtailment of the principle of responsibility. Hence we have to choose between the tendency to irresponsibility in every government agent and the attempt to establish responsibility in the executive by a *division* of power, not by removing all of it. If we could obtain political machinery that would guarantee without failure the selection of absolutely trustworthy

men there would be no reason for separating the appointing from the removing power, but experience has taught us that a division of powers both lightens the task of government and weakens the power to do evil. If then while limiting the executive's power of removal we constitute a court of summary procedure for this purpose, we ought to avoid the evils of limiting removal as is attempted in our present system, and accomplish all that civil service reform aims to do, while increasing executive efficiency in the direction most important for good government.

I think the principle here maintained can be supported by a comparison with the Supreme Court, which I wish to interpret, not only as a restraint upon the omnipotence of Congress, but also in the more general sense of an institution which has no positive functions in government, but is purely negative. The Supreme Court simply prevents illegal, if I may say so, or unconstitutional legislation. It has no power to enact or to enforce legislation of any kind, constitutional or otherwise. Hence it operates merely as a restraint upon the irresponsibility of Congress or the legislature. Its function is inhibitive, not positive or constructive, and herein lies its great strength and usefulness. It throws the whole responsibility for legislation within the limits of the fundamental law upon the law-makers, resembling the Crown's power to dissolve Parlia-

ment and to test public sentiment, and encourages as well as utilises the respect for the constitution which is supposed to guarantee individual rights and liberties as much against the tyranny of the legislature as against the arbitrary power of monarchy. So strong does this make the Supreme Court that it certainly would not have survived if it had possessed any executive or legislative duties from the outset of its history. The constitution is assumed to be or to represent an agreement among the citizens to abide by its provisions until altered by the same method that adopted it. The Supreme Court simply says that representatives must not alter this instrument at their will, but that their duty is to respect it until the "sovereign" power, the people, change the rules for the direction and limitation of their representatives. Consequently, not being responsible for positive legislation, but only for the constitutionality of the laws that are enacted, their consistency with the fundamental law, it exercises only a negative or inhibitive function against tendencies to commit infractions upon this fundamental law, and leaves society the choice between modifying its constitution and shaping new legislation in conformity with the existing instrument. With constructive or executive powers added to its present irresponsibility it would have perished long ago, because it could not have withstood the onslaughts of the public or the politicians demanding a policy

without regard to the constitution, which is supposed to embody a large experience as well as an agreement of these very people to carry out a definite course of action. But having no power to make laws, only to *unmake* those that are inconsistent with the fundamental law and to shift the responsibility for political evils either upon the people who make the constitution, or upon ignorant and irresponsible legislators whose duty it is to conform to this instrument, the Supreme Court both limits the power of the legislature by enforcing its respect and submission to law, and disarms the spirit that might otherwise mass its opposition against such a court. It thus enjoys the position of being the highest authority in the government beyond which there is no appeal, and consequently is invested with Hobbes's "sovereignty" or irresponsibility, without being liable to as much suspicion or assault from the persistent jealousy which a democracy directs against this kind of immunity, for the reason that it is not constructive or executive. As a consequence its value for a democracy is beyond calculation, and perhaps this form of society could not long exist without some such a body, simply because democracy requires an institution to make its representatives respect the law or to compel it to keep faith with its own promises which a constitution is. At any rate, it is an *inhibitive* agency in government and derives its power and usefulness from that fact.

The Court of Impeachment and Removal, which has been proposed, is precisely an analogous institution, and should be the organ for the irresponsibility that attaches to the executive power as at present endowed. It is not responsible for the positive functions of government, as its specified qualifications indicate, but its duty will be the administrative check against the abusive powers of appointees. It establishes a direct responsibility for the executive and subordinates, shifting public evils of an administrative sort upon the shoulders of those who act or fail to act, and leaving to the legislature and the electorate the duty of constructive work and no power to intimidate or limit the action of the executive, except by law. The Court itself, it will be noticed, is amenable to the Supreme Court for impeachment if necessary. This retains the latter as the one central authority that is absolutely irresponsible. The long tenure of the Court of Impeachment and the various provisions mentioned will give it independence, and its summary power of removal which may be exercised in behalf of economy, efficiency, and good behaviour in government, will inspire a wholesome respect for the public welfare. In this way it may do much to substitute public spirit for personal interest, being itself unable to direct any action in any but the interest of society. Consequently, it ought to put most decisive limitations upon all executive and legislative attempts to

aggress upon society by policies that the electorate has not directly or indirectly intended, or by such executive piracy as we too often find in both state and municipal administration.

The investiture of the Court of Impeachment with the military power will act in the same direction as that which has been described. This assertion will undoubtedly appear to involve a new conception of the functions performed by the army in the hands of the executive, but a little reflection ought to show that the position here taken is in reality the proper interpretation of what the military should represent in government, and, in fact, it actually does remain in the practical policy of democracy a force to be used, not for executive government in general, the police being the proper protection here, but as the power to maintain social order against rebellion and anarchy. In a civilised country, not engaged in foreign war, there is no use for the military except to suppress insurrection and riot. Democracies do not like to entrust the army to the executive because they are afraid of its abuse in the interests of monarchical or similar ambitions. It has often been the instrument of tyranny in the hands of the executive, and legislative bodies are absolutely unfit to control it, for reasons that do not require mention. Hence even democracies, recognising the necessity for an army in certain emergencies and the inability of the legislature, which is a

deliberative assembly, to represent any efficiency in the control of the military, have been forced to put it into the hands of the executive, with all the dangers incident to the opportunities which disturbed social conditions offer to unscrupulous men. In crises it is a terrible force to possess. Hence since it is not necessary for the executive and legislative work of ordinary times, and its proper function is to suppress disorder and anarchy, leaving to the people the reconstructive work of society, it also should be interpreted as an *inhibitive* influence, both in times of order and during and after disturbances which require more than the police to quell, and so turned over to such a body as the Court of Impeachment. Its sole duty in domestic affairs, leaving the contingency of foreign wars out of account, will be to put down mobs, rebellion and anarchy, as at present, and not to take any part directly or indirectly in the reconstructive work of society, whether executive or legislative. By putting it into the hands of the Court of Impeachment we could make the executive solely a representative of the law in purely social conditions and obtain far more prompt action in the suppression of disorder. At present either the ambition of the executive or other personal interests not so respectable and various political considerations tempt the executive to avoid unpopularity by withholding an appeal to military force until, often, the loss of property and life is greater than should be

the case. In a democracy the executive must naturally hesitate to employ the army to enforce what will always appear to represent the policy of his party rather than the interest of the whole. But in times of riot and social disturbance there should be no hesitation. Action should be prompt and vigorous. Only such a power as the Court of Impeachment represents could avoid the embarrassment from which the executive must suffer and the jealousy which the people show against force used to carry out a political policy, because this Court by its constitution cannot do any positive or constructive work in the adjustment of order, but only keep opposing parties at bay until they agree to voluntarily preserve the peace. It enforces the law only by saying that it shall prevail until repealed by the people. But with the military in the hands of the executive it puts the power in that agency to maintain the law against change. If the executive can in no case force his policy on the public and if the mob can be promptly checked in its attacks upon the law, which the executive administers, without awakening suspicion and jealousy against that power in government, the want of constitutional qualifications in the Court of Impeachment for enforcing the desires of either party in contention compels them to settle their differences by some form of agreement, compromise, or arbitration.

An important argument for this Court may be

found in the working of the present power of impeachment conferred upon the legislature. The right or necessity of a power of impeachment and removal is already recognised by our system, even the very irresponsibility of it, but it is not recognised in any form that enables it to act as efficiently and safely for the public welfare as the Court which I have here proposed. It is combined with the legislative function which cannot indulge in impeachment and removal without exciting political animosities and usurping the powers of the executive. The power of the legislature to remove the executive virtually carries with it the power to determine executive action, while it is the real intention of modern political institutions, in theory at least, to confine legislative bodies to deliberation and the enactment of laws which define the course and limits of executive action, and not to administer them. But then in the absence of responsibility for the executive there seemed no way to control his action, to compel the execution of the laws, except to put in the hands of the legislature the additional power of impeachment in order at the proper time to exert pressure upon the executive to carry out the commands of the legislature and the people. This was an attempt to apply to the executive the responsibility which the whole movement of political history shows is desirable in some form. But to have the irresponsible

power to impeach and remove executive officers at pleasure, while the power remains, as in our Congress, to elect them, and at the same time to fix the laws and to have neither the power nor the duty to order new elections for an executive, favours the tendency of the legislature to usurp influence and power over the executive and to create further momentum toward the referendum and the anarchy which it involves. In the responsibility of the English executive, or Ministry, to Parliament the power of this legislative body to elect the executive, at least directly, does not exist and hence the responsibility of the Ministry to it is not so dangerous as that of the executive to Congress in this country. The power which makes the laws should not have the right both to remove the executive and to elect another, and the danger of its exercise, as the impeachment of one of our Presidents abundantly shows, is the only thing that prevents its use even when it is necessary. Such an act, even when most necessary, would establish a precedent that might not await equally necessary conditions for the exercise of that power. Precedents are dangerous examples for the politician who may be interested in extending his own power by limiting that of some one else, and in order to effect his purpose will seize upon any precedent without regard to differences of circumstances, if only he rely on some analogy for enforcing his claim. But with a separate Court

of Impeachment and Removal this temptation would not exist. Having no power constitutionally to increase or to usurp influence over government it could safely exercise the function of removal without creating the tendencies involved in our present system, which show a perpetual disposition of the legislative to usurp the functions of the executive. When Parliament refuses a vote of confidence to the Ministry, the crown can either appoint a new executive in harmony with the legislature or dissolve the latter and order new elections. The removal does not involve appointment by the party that refuses confidence, and the appointment by the crown involves either harmony with the legislature or an election by the people. In our system the people do not require to be consulted, and hence the danger. But the plan which I have proposed, whatever else it does, keeps the legislature at its proper functions and leaves to the electorate the choice of the executive, a power which it at least shares in the English constitution.

Another fact sustains this view. The state of New York endows the Governor with the power to remove the mayors of municipalities but not to appoint new ones. This is as distinct a recognition of my principle as could be desired, power of removal without power of appointment. But it has two serious defects. First, it violates the principle of home rule. Second, it introduces politics into the question

of removals, so that the dangers accompanying this influence will often prevent even justifiable action in the use of such a power. But the plan which I have suggested conforms to home rule and excludes politics from the exercise of the power of removal, while it embodies exactly the principle involved in the effort to make municipal executives responsible.

The argument can also be reinforced by a further comparison which states the case a little more fully, and coincides with the interpretation just made of the functions performed by the Supreme Court. I have shown, or endeavoured to show, that the main function of this court is inhibitive, and that the Court of Impeachment and Removal is to serve the same purpose. Now the Supreme Court serves partly to limit the arbitrary power of Congress by keeping it within the lines of the constitution and partly to strengthen its responsibility to the electorate. It is consequently, as I have shown above, an institution that recognises and applies, in a measure at least, the principle here contended for; namely, a definite and concrete body for inhibiting arbitrary power and securing the responsibility which our institutions require and nominally supply, but not in a concentrated and efficient form. It is, to the extent indicated, a means of making the *legislative* power responsible. But there is no similar limitation or accountability for the *executive* except liability to impeachment, which it is not safe to

apply with any frequency. All, therefore, that my proposition for a Court of Impeachment and Removal demands is a similar means of making the executive responsible and of completing the responsibility of the legislature. The power of dissolution affects actions of the legislature which the Supreme Court cannot reach, and prevents the disregard of issues which the representatives were elected to settle. The short period of representative tenure in the lower House of Congress as at present constituted in some measure limits this tendency to evade issues involved in elections and to substitute others, so that it could be said that the power of dissolution in the hands of the Court of Impeachment is not necessary. This objection has some force. But I introduce this proposed constitutional change for two reasons. First, some control of the disposition to evade issues even in short periods of legislative tenure is necessary, while extraordinary emergencies occur when it is necessary to send Congress to the electorate. Second, the change is intended to make possible a longer period of legislative tenure in the lower House of Congress and state legislatures, somewhat after the manner of the English system. At any rate, my proposition only recognises the same principle as the power of dissolution by the crown, and certainly if the legislature requires any inhibitive power against its tendency to usurp authority, as is admitted by the Supreme

Court, which only holds it to the constitution and does not prevent abuses within this limit, there is nothing anomalous in establishing a similar court for fixing responsibility upon the executive, while enlarging its power of action, and strengthening the application of the same principle to the legislature.*

* The suggestion or objection may be made that the Court of Impeachment and Removal is only a restoration of the old Roman *Tribuni Plebis*, or Tribunes of the Commons. This conception, however, is only partly true, while it escapes or conceals the most essential differences between the two institutions. This can be best brought out by a comparison between them. But I must first state the nature and powers of the *Tribuni Plebis*. I quote the language of Mommsen.

“The power of the Tribunes” (*Plebis*), says that historian, “was of no avail in opposition to the military *imperium*, that is, in opposition to the authority of the dictator everywhere or to that of the consuls beyond the city; but it confronted on a footing of independence and equality the ordinary civil powers which the consuls exercised. There was, however, no partition of powers. The tribunes obtained on the one hand the right to cancel any command issued by the magistrate, by which the burgess whom it affected considered himself aggrieved, through a protest duly and personally tendered; and on the other hand they obtained or assumed the prerogative of pronouncing criminal sentences without limit and of defending them, if an appeal took place, before the assembled people. To these there was very soon attached the further prerogative of addressing the people in general and of procuring the adoption of resolutions.

“The power of the tribunes therefore primarily involved the right of putting a stop at their pleasure to

There ought, perhaps, to be some means of determining when this Court should interfere to dissolve the legislature and order new elections. As I intend its powers to extend to the removal of individual representatives for any form of misconduct, there might be few occasions for dissolving

acts of administration and to the execution of the law, of enabling a person bound to military service to withhold himself from the levy with impunity, of preventing or cancelling the arrest of the condemned debtor or his imprisonment during investigation, and other powers of the same sort."

Now it is to be admitted that there is one important resemblance between the Tribunes of the Commons and my Court of Impeachment. The *tribunatus plebis* was an inhibitive function exercised against the consuls. But here the similarity stops, and the differences become radical. Those differences may be classified as follows:

(1) The *tribunatus plebis* represented no partition of powers between itself and the consuls, but rather a conflict of them: the Court of Impeachment does represent such a partition between itself and the executive, with the responsibility of the latter to the former.

(2) The Court of Impeachment and Removal cannot interfere to prevent the administration of the law, but merely to remove from office for the failure to attempt its administration, for various malfeasances in office and failure to meet the demands of the public service: the *tribunatus plebis* could not remove from office the consuls with whose administration it interfered.

(3) The Court of Impeachment can inflict no penalties or punishment upon the men whom it can remove from office, nor upon anyone else.

(4) The Court of Impeachment possesses the military *imperium*, while the *tribunatus plebis* did not.

the legislature as a whole. Nevertheless, there ought to be some criterion other than the apparently arbitrary power of the Court. In England, as we know, it is a defeat on some bill or a vote expressing a want of confidence in the Ministry that determines when the crown can act. In the present proposed system a similar vote of want of confidence by both Houses against the Commissions might enable the Court to interfere either to order the appointment of a new Commission or to order a

(5) The *tribunatus plebis* was based upon the distinction of classes and was intended to perpetuate it: the Court of Impeachment assumes no such distinction.

These differences are fundamental and eviscerate at least most of the objections that might be based upon the abstract resemblance in the function of inhibition. The *tribunatus plebis* seems to have been conceived after the same principle which had introduced the constitutional policy of two consuls, where there was a desire to limit the power of a single ruler by the dissent or inhibition of another of the same rank. But in this case, as in that of the *tribunus plebis*, it was merely two rulers with the same powers and had all the defects of such a system. It was the "check and balance" system of antiquity, and failed as this always does. The inhibitions of one consul simply made him the ruler, if he succeeded in carrying out his purpose, so that the absolutism of the single consulate, which the dual consulate was designed to prevent, simply returned under an unconstitutional form. It was not a differentiation and integration of functions, as it should have been. The *tribunatus plebis* involved a conflict of "sovereignty" with the consulate. This conflict with the executive is avoided in the Court of Impeachment.

new election of legislators with also the appointment of new Commissions. These conditions ought to remove the objection just stated above and which was admitted to have some force.

These general limitations upon executive and legislative organs, and the necessity for securing intelligent and honest officials, as well as the establishment of responsibility for them, require that compulsory service be exacted of both appointed and elected agents. This requirement will seem to be a hardship to many persons and strong objections may be raised against it. Without the proper conditions attached to the requirement I should admit the full force of the objection. For it is hardly fair to ask busy men who have large interests at stake and who have no political ambitions to gratify, to give up their time and labour to the public at a total sacrifice of their private affairs, especially in a country that means to grant complete freedom to its citizens in the choice of activity. Hence, unless these rights can be preserved with the requirement mentioned they will be final in the matter and the exaction cannot be fairly made. It is the spoilsman's conduct that has created the dislike for office in the Republic. Men who wish to make a success of life and a calling, who prefer some regular vocation to the shiftless career of a politician cast about by the whims of popular elections, and who know that success and usefulness as well as happiness depend upon perma-

nence of tenure in any vocation offering the opportunity for success, will not submit to a system that intends to turn them out of office and a livelihood without regard to the manner in which they have served the public. Prudent and intelligent men wish to calculate for the future. The spoilsman's policy will not permit this. Hence there has grown up in this country a disgust with public office that will not look favourably upon a measure intending to exact compulsory service from its citizens. But I think that it is comparatively easy to evade the difficulties which I have mentioned. First, it would not be necessary to apply the requirement to all offices. Second, proper civil service reform with its permanent tenure for efficient and honest officials would offer inducements that would limit the necessity of compulsion in the largest number of cases. Third, all the positions that need to be put under such conditions are those which are administrative in their nature and represent heads of departments. Where the man elected or appointed to such a position cannot well devote all his time to official duties he can be allowed to use his salary, or a part of it, for the assistance of a competent person who shall do all the work except that of the general direction of affairs. But by far a better course would be to allow the incumbent the right of a secretary or assistant of his own appointment, so that as little demand as possible would be made upon the chief for time

and energy in anything but the executive direction of affairs, while he is made responsible for the proper performance of duty. What is wanted is the knowledge and experience of the best men for the general supervision and direction of administrative duties by way of determining methods and applying the proper discipline to subordinates. This will remove the ordinary and well-founded objection to such a policy and enable the executive to secure suitable men for public service. The trouble with the present policy is that fit men do not want office and nearly all men that want it are not fit for it. The main reason for it, of course, is the fear of the spoilsman. But even after civil service reform has removed this evil there will be positions which will demand the abilities of men who do not require the emoluments of office and who have no political ambitions, while they have ample time and power to serve the public. But not being able to compel service, executives have to choose from those who seek office, and too often, in the spoils system, these are the failures in every other form of business. But government requires abilities of the highest order and ought to be able to command them either by the force of the emoluments that it offers or by the force of its authority, especially when we consider that it is the very character of the social organism that renders possible the leisure and resources of its more successful citizens and it ought to be able to require some

quid pro quo for the advantages which they enjoy. The same reasons that prevent the best men from seeking office make it inviting to politicians with an appetite for piracy and black-mail. But since responsibility to the Court of Impeachment makes such positions less inviting to cupidity, or even objectionable, it is necessary that society should be able to command the services of its best citizens. This compulsion, practiced already in Germany if I mistake not, will be wholly unobjectionable if organised in the manner described, which will respect individual liberty as much as possible.

I come next to a proposition which is a much more delicate problem to handle, that of differentiating the franchise, and is yet one of the most important of all the changes that I have suggested. When it is stated it will at once be interpreted as a limitation of the suffrage. But this view will be only half-true, as that limitation is understood in common parlance. I am willing to say, however, that I should not wince under the accusation that I meant to restrict the right of the suffrage, because those who usually make objection to such a limitation are either demagogues or labour under a wholly inexcusable illusion in regard to the nature of this right. If any one suggests the propriety of limiting the franchise, a whole class of public hypocrites, newspaper editors playing the part of Mephistopheles for the sake of financial success, and men who ought to know bet-

ter, along with the ignorant electorate, taught to believe that political salvation can be obtained by allowing those who cannot govern themselves to govern others—these raise the absurd cry that we are proposing to rob men of their “rights,” as if the privilege of voting were on a par with the right to live, to work, to act in self-defence, etc., or what are called natural rights by virtue of conditions not pertaining to the franchise. But the fact is, demagogues and politicians to the contrary notwithstanding, that the suffrage is not, or ought not to be, a natural right, possessed or possessable equally by all persons alike. It is, like office, wholly subject to the interests of the community and ought to be conferred or withheld according to the requirement of those interests. There are two classes of wholly distinct rights, which I shall call *personal* and *political* rights. Personal rights are those in which the subject can claim immunity in self-activity in reference to his own interests alone; that is, self-government. Political rights are those in which the subject can claim immunity in the exercise of power over others; that is, the government of others. In practice it may be difficult to draw the line between the two classes of rights, but only, perhaps, because we have not sufficiently differentiated our institutions to enable us to avail ourselves of the distinction, which is one of undoubted importance to theory, and only awaits the intelligence to apply it in practice.

Among the personal rights I would reckon Life, Liberty, and Personal Property, or the product of one's own labour: among political rights I would reckon Property in Land (land in the economic sense), or Natural Resources, the Franchise, and Office. It will be seen in this classification that I put the suffrage on a par with the right to hold office and so imply that it is subject to the same kind of conditions, though perhaps not so general, if we diminish properly the number of agents to be elected by the citizens, as I have done in the present scheme.

It would be much better for society if this conception of the franchise were more prevalent than it is, and if public opinion were more ready to treat those applications of it which are injurious to social welfare as it treats minors, foreigners, and certain criminals, not to say anything of women, who are here unfortunately classed, but still the victims of a wholly illogical policy. If the suffrage be a natural right; that is, classed among those which I have called personal rights, it cannot be excluded from women, minors, foreigners, and criminals. The tendency, or rather necessity, to treat it as such a natural right is apparent in the agitation for female suffrage and the logical difficulties encountered by men in refusing this demand. But the conclusive instances of minors and foreigners show either that we should not place the limitation where it is or that fitness to serve the public is the only legitimate title

to the privilege. Then having drawn the line we ought to see that the question is not one of abstract moral rights, based on the general nature of man, but only public utility, and should limit it accordingly by qualifications consonant with this end and view of it as in fact a mere privilege.

But it is not necessary here to define the right to vote, nor to defend the method of limiting universal suffrage which characterised the policy of the past, since the proposition which is to be advanced for consideration in the present discussion does not abandon all appeals to it. Nor would I favour a total abandonment of it for all the functions of government. In some respects it has most desirable features and ought to be retained for certain specific purposes. This concession is not made as a sop to Cerberus, because universal suffrage may be useful, perhaps necessary, where it may serve as a *defensive* measure against aggression upon personal rights, but it is not a fit means for *constructive* ends. But whatever its merits for the purpose mentioned, if it have any, it is certain that the present system fails to secure, as a general rule at least, perhaps an almost universal rule, desirable men for office, and is too expensive economically and too dangerous morally to be continued much longer without some guarantee of better government by some other means, if not by the limitation of the suffrage.

Nor does our escape from anarchy in the recent

presidential election by a million votes serve as a defense of it. Not only was it secured by playing upon conservative tendencies to support the *status quo* in our financial policy and political institutions, and upon fears that had no experience to guide the voter in a new direction, but we have to consider what the result might have been had the combination of circumstances been slightly different. For instance, in the election mentioned the labouring classes were interested in overthrowing "government by injunction" and the agricultural classes, supposed to be in the main the debtors, were presumably interested in free silver, so that both principles were embodied in the platform of one of the parties. As the labouring classes were supposed to represent 52 per cent. of the population and the agricultural classes 40 per cent. of it the game was to unite the two and secure the election. But as free silver would have depreciated the purchasing power of wages, the labouring classes had a more immediate interest in preventing the reduction of their standard of living than in the remote question of constitutional and Supreme Court problems and the issue of wages divided the forces on the other side, so that it seemed that we could yet trust the humblest voter to decide the deepest questions wisely. But had the matter of wages been out of the way in the campaign we should have had fewer reasons to congratulate ourselves upon the value of universal suffrage.

Moreover in estimating the value of an unlimited franchise we have to consider the price at which such a victory was won. This price is made up of several factors. There is the cost in money to carry on such a campaign and to overcome the effects of crass ignorance on a delicate and profound problem, and this probably involved large sums for very questionable purposes. Moreover the moral consequences of feeling that this ignorance must either be deceived or bought off, when it could not be educated, are terrible, because such a situation creates a habit of mind which makes indignation at bribery impossible or difficult. Self-preservation is the first law of nature, and when envy and ignorance make an assault upon property in violation of the confidence which the laws had established, it is no wonder that even sensitive minds resort to the influence of money instead of revolution for self-defence. Such conditions scar the public conscience and offer it too few opportunities to train itself to delicacy and honor in matters requiring a lofty sense of justice and respect for moral law. Then again there are the sums of money that are lost by disturbance to business, and these run up into many millions every four years. But above and beyond all this, the economic, social, and political problems of government are too complicated for the limited intelligence of the multitude to decide upon wisely, especially when this multitude is little given to the

calculation of remote consequences, and does nothing to inform itself upon the fundamental principles of government and economics. The masses either read the gossip, fabrications, deliberate lies and ignorant newspapers, and are as credulous as children of what is told them by politicians and partisan journals, or they have come to believe that newspapers are too often the paid hirelings of interests, political or otherwise, and thus feel compelled to follow their own judgment, which is too often worse than nothing in the problems of government. They never study political questions until the excitement of a campaign is on, and then they rush off to knaves and mountebanks for wisdom upon the profoundest problems of life. But even with all the wisdom desirable, political campaigns neither offer the time nor favour the temper of mind necessary for a calm and scientific study of the questions of government, and politicians are willing enough to spring sudden issues and to produce a state of confusion in the public mind: for this condition is a paradise for their peculiar talents which prefer darkness to light for their work. In the excitement of such a time men have only a chance to consult their fears and prejudices, and to follow demagogues who can make the most and fulfil the fewest promises. And further, when we consider that in the recent presidential election six out of thirteen millions of voters voted either against their own previously confessed

principles out of mere partisan regularity, or against the light of all reason and experience, no matter how honest they may have been, we may safely ask how many of the other seven millions were governed by any better motives, or knew any more about their side of the problem than their opponents. When this is the condition of things we can well understand why representatives and public officials are not more intelligent and honest than they are. Hence it is apparent from the manner in which the suffrage is exercised that it only confers upon the ignorant masses the same impossible duties that legislation demands of Congress, and we require to limit these responsibilities for the same reason that we feel it necessary to exempt legislators from the demands of omniscience. A system is imperative which shall place the main powers of government in the hands of the intelligent and honest class of citizens, while we can contrive at the same time a means for making universal suffrage an instrument of defence against the tyrannical use of power in directions affecting the rights of all. The maxim that a man who cannot govern himself should not be allowed to govern others is a sound one, and until we apply it in earnest we are certain to increase our troubles. Government in its last analysis can only be an illustration of the "survival of the fittest," and we should see that the "fittest" are the intelligent and honest as well as the strong. To obtain

the proper results we require a method that will array the right on the side of might, or better, might on the side of right, if we have to discriminate between men to secure the result. But before giving further reasons for the modification of the franchise, let me formulate the proposals to be discussed. They include the following propositions.

1. The stricter and more extensive exclusion of criminals from the recovery of citizenship.

2. The election of the Upper Houses by a *limited* suffrage.

3. The election of the Lower Houses by *universal* suffrage.

4. The election of the executive by *universal* suffrage, except the Mayors of municipalities, who shall be elected by the *limited* suffrage.

The stricter exclusion of criminals from the recovery of citizenship is a most important entering wedge in the determination of a limited franchise. The exclusion ought also to be extended even to a much larger number of crimes, at least for a period and under severe conditions for redeeming it in some cases and with the perpetual loss of it in others. There is no class to whom the principles of a limited franchise can be so reasonably applied, or in regard to whom the maxim of civil rights can be made so clear. This maxim is, in one form at least, that civilisation cannot be regulated by its own parasites, or that the class which requires to be governed by

jails and penitentiaries is not fit to act in the selection of civil officers. The same principle will apply to vagabonds. The exclusion might be applied beyond the reach of recovery for habitual criminals who should include all that have been convicted a second time for penitentiary and other offences more seriously affecting the life, liberty, and property rights of fellow-men. If the system of indefinite periods of punishment were adopted the courts might restore citizenship to such as had shown sufficient evidence of improved character and regular habits after a definite number of years. Under such regulations the scandals of our pardoning executives would not occur, especially as the intention in the present system is to deprive the executive of the pardoning power and to have all judiciary incumbents appointed. But by this limitation alone a very large number of men would lose their influence for evil upon our politics while we should be imbuing the public with a better idea of what the franchise means.*

It may be asked why I make an exception of municipal executives in the manner of their elec-

* In the recent Presidential election, where the issue was largely the repudiation of public and private debts, and the withdrawal of federal interference in labour strikes against railways and enterprises involving public interests, and perhaps all strikes whatever, the regular Democratic nominee of the Chicago Convention supporting this demand, which threatened to lead

tion. Why not also choose them by universal suffrage? Do not the same principles apply to them as to other executives? I must answer this question in the negative. The conditions are, in fact, very different. The duties of municipal executives are mostly those of an officer who supervises the general administration of city appropriations and expenditures. In some cases his appointing powers are not large. In the present scheme they are very large, and responsibility for the whole administration of city finances, public works, and police department would rest upon him. But the following facts show that the same reasons that favour the election of the Upper Houses by a limited franchise apply to the choice of municipal executives: (1) The control of public finances and improvements which falls more to the mayors than to the councils requires responsibility to the property holders. (2) The inability of municipal governments, executive or legislative, to affect in any material way the general civil liberties of citizens. (3) The inability of municipalities to impose such taxes as justify the representation of the non-property holders in the

straight to anarchy, the inmates of the New Haven (Conn.) jail were asked their presidential preferences. Of 291 prisoners, 284 were for the regular Democratic nominee, and only 6 for the Republican, and one undecided, he being insane. It would have been interesting to have obtained a general census of the preferences among the criminals of the whole country.

choice of a municipal executive. Practically all taxes are upon real estate or property of some kind, and not upon either the necessities or the luxuries of life. The duties and responsibilities of the mayor's office, therefore, pertain to the same kind of interests that require direction by the classes who have to furnish both the financial means and the business ability for administration that affects the personal liberties of the majority very little if any at all. Universal suffrage in the election of the councils, assuming that it is to be retained in municipal affairs, has all the control necessary over legislation affecting municipal liberties. Also with a limited suffrage for the choice of the mayors, and with the initiative powers of the heads of departments to serve instead of Commissions after the manner of the state and federal governments, it might suffice to have but a single legislative body in municipalities. This problem, however, it is not necessary for me to decide. If an Upper House be necessary or desirable it should be elected by a limited franchise.

Three alternatives present themselves in regard to the election of municipal legislative assemblies. (1) Two Houses, an Upper and a Lower, elected after the manner already outlined for federal and state governments. This assumes that one House shall be chosen by a limited and the other by universal suffrage. (2) A single House elected by universal suffrage. As the present scheme proposes

that municipal executives shall be chosen by a limited franchise the conception of a single House elected by universal suffrage would recommend itself to those who believe in "checks and balances," and who give up the necessity for two Houses. (3) A single House chosen by a limited suffrage. The facts which favor this last proposition are the nature of municipal government and its decidedly limited functions in regard to matters affecting personal liberties. All the arguments in favour of electing the municipal executive by a limited franchise also favour the election of the municipal legislature by the same method, if this body is to be a single House. Neither matters of taxation nor the problem of personal liberties stand in the way of this last system. The administrative, financial, judicial and sanitary business of municipalities is such that non-property holders are both incapable of intelligently directing them by political influence, and unable to plead personal interests in behalf of a voice in them. I should myself incline to support this alternative as the best of the three. The whole history of municipal government in this country sustains it. Under present conditions the future of our institutions depends upon the success or failure of government in the cities. They are the seats of more corruption, if possible, than any other forms of our politics, at least if we can accept the united testimony of competent observers and writers. The

fact coincides with the distribution and character of their population, so that if any reason exists for a limited franchise it is found in a conclusive form in the status of our municipal governments. But before considering this question in the narrower field its larger aspects must receive attention.

The first objection to the proposed policy would probably be that, if the franchise is to be limited at all, the simpler process would be to elect all officers by the limited suffrage. This is true, but as I have admitted that there is a function for universal suffrage, and as there are political duties which it cannot perform, I see no alternative to that division of duties which involves a differentiation of the franchise which will assign to each class of citizens its proper functions. The concentration of the most important matters of legislation in the Upper Houses, such as appropriations and internal improvements, finances, and an equal voice in all other affairs, assumes that the intelligent and property classes can best manage the legislation connected with these matters. The power of these branches also in the right of vetoing appointments to the Court of Confirmation involves a demand upon better men than we now obtain in our Senates and only the intelligent classes can select the delegates fitted to perform this service rightly. Hence there ought to be a limited suffrage for their selection. Such a limitation is practically implied in republican insti-

tutions, which simply limit the franchise for direct legislation to their representatives. We already assume that government must be conducted by the more intelligent members of the community and limit the legislative franchise to a few persons, and if we do not make this assumption we have no right to delay the referendum and the initiative. Accepting, therefore, the tacit admission of the very principle for which I am contending in the very nature of our institutions, the only further problem is to apply it in a more consistent form than we do. The differentiation of its functions should coincide with the differences of abilities and duties in the exercise of political power.

The second objection might be that, if limited at all, the executive, with its enormous powers over administrative appointments and legislation involving the highest intelligence, should be elected by the limited suffrage. If it were not for the Court of Impeachment and Removal which the present proposed system offers I should unhesitatingly admit the force of this objection. But the check of the Court of Confirmation, of the Upper Houses elected by a limited franchise, and the responsibility of the executive to the Court of Impeachment make it quite safe, in the writer's opinion, to entrust the selection of the executive in all cases, except that of municipalities, to universal suffrage, and besides it will accord more distinctly with the English system

which makes the Ministry responsible to the electorate as well as to the crown. But comparisons aside, the interest of the whole people in the administration of justice, as involved in the appointment of the judiciary more especially, might justify the application of universal suffrage to the election of the executive, especially that it is made adequately responsible and the Upper House can so effectually protect property against the black-mailing propensities of politicians who use universal suffrage for power to control all financial affairs which the proposed system puts into the hands of the classes that have not only been the productive but also the prudent members of the community and must have the power to protect themselves against demagogues and political pirates. But the administration of justice is a different matter. It requires intelligence no less than other functions of government, but it also requires a regard to others which the economic system under the rights of private contract does not make necessary, though perhaps obligatory morally. Hence it may be fair to apply universal suffrage to the election of the executive, while its responsibility with the power of the intelligent classes to restrain abuses of administrative functions makes universal suffrage less open to the objections that now incumber it.

The third objection to the limitation of the franchise is that it is now impracticable, after having

adopted it universally, because we should have to resort to it to obtain its own restriction. Such an appeal would appear to most persons as absurd as the voluntary relinquishment of an important right which had just been won by a hard fight. Put in this form and without regard to the actual nature of our institutions the objection seems to have much practical cogency. But I am far from considering the difficulty insurmountable, and much less do I respect the intelligence of those who assume in this objection that the franchise is not now subject to both theoretical and practical limitations which are impossible according to their arguments. I especially think the difficulties largely imaginary for the reason that it is still possible, as at present, to use universal suffrage for the legislative purposes described and also for its own limitation. The forms of applying the suffrage are not yet exhausted. Moreover nothing is clearer than the fact that it is now resorted to as a means of self-limitation. The boasted freedom and independence of universal suffrage is an illusion. The election of executive, legislative, and judicial officers is nothing but the self-limitation of it. It gains some deference and the semblance of power in the homage of hypocrisy with which the politician conceals the real limitation of the franchise. But it is of the very essence of representative government appealing to universal suffrage that it should involve a self-limitation of the

franchise, and it is only the increasing impotency of the executive and the equally increasing omnipotence, anarchy, and tyranny of the legislative powers that render that self-limitation ineffective, so that the natural demand arises for the logical consequence of pure democracy; namely, the referendum and the initiative, the only form of polity in which the suffrage is unlimited. But these, if proposed for all purposes, are universal suffrage run mad, unless we assume that *government* is unnecessary and that men are intelligent and honest enough to agree upon some universal rule and to let it work itself without an executive and police system. I confess, however, that they would hardly be much worse than the kind of government which political "bosses" and knaves generally, with their hypocritical wheedling and flattering of the electorate, and irresponsible executives and legislatures are rapidly preparing for us. But in the end, between this present tendency and the referendum, we shall be obliged to choose some differentiation or limitation of the franchise, and it is the business of political students to provide a way for securing the better of the two alternatives, which I regard as a qualified suffrage.

The only difficulty which I admit is of a practical nature, and even this applies only to the attempt to introduce the qualification suddenly on a wide scale, owing to the number of persons who would have to

be converted to the advisability of the limitation if it involved the education and consent of the majority of the voters in the whole country. There would be a serious difficulty either in the attempt to amend the constitution of the United States or in the enactment of legislation limiting the franchise by the federal government. I do not conceal from myself the impossibility of this attempt at present. But, although I am arguing for the differentiation of the franchise on a large scale, representing it to be the best way to exhibit the true theory of government as I conceive it, fortunately we are not left by our constitution to federal initiative in this limitation. The states have full control over the extension and limitation of the suffrage. A property qualification once existed in many of them, and this policy still survives occasionally in the poll-tax of some states as a qualification.* Consequently it ought, on the

* The following statement from the New York *Evening Post* is of interest as showing that a property qualification still exists for the exercise of the franchise in municipal affairs in Rhode Island. "Rhode Island," says this paper, "is the only state which has always retained some sort of a property qualification for the suffrage, and it seems loath to give it up. Formerly every citizen must be possessed, in his own right, of real estate worth \$134, or renting for \$7 a year, in order to exercise the right of suffrage. In 1888 this provision of the constitution was amended so as to remove the property qualification as regarded all elections save those for the choice of a City Council, or upon a proposition to impose a tax, or for the expenditure of money

principle of the poll-tax, to be comparatively easy to reinstate a limitation on the suffrage in some favourable state or locality. Perhaps it might even be tried in the manner just suggested in some city, suburb, or county as an experiment, and then extended or abandoned according to its success or failure. But for the sake of clearness and effectiveness of argument I prefer to construct the theory of the differentiation or limitation of the suffrage upon a large scale, where its relation to vast and important interests can be better appreciated, while the practical application of the system might begin on a small scale.

It is incumbent upon political students advocating such a limitation of the franchise to provide some practical criterion to determine it, and I proceed to consider this question. It must be remembered that the plan contemplates a limitation of the suffrage only for those who elect the representatives of the Upper Houses, or Senates, and the problem is to

in any town or city. A commission for revision of the constitution is now (1897) holding sessions, and it has decided not only to maintain this qualification, but to increase the amount from \$134 to \$300, which may be either in real or personal property. Some members of the commission held that the system had been outgrown, and that a citizen was not more trustworthy because he had property; but others insisted that the old requirement had worked well, and ought to be strengthened, rather than abolished, and they carried the day by a vote of 9 to 5."

fix the qualification or method of determining the class better fitted to select these bodies, while universal suffrage remains, as at present, to elect the executive (except the Mayors of cities) and the representatives of the Lower Houses.

The qualification which seems to gain adherents among those who are beginning to favour limitation, and this of a universal sort, is the intellectual one, to which resort is made because of the deeply founded prejudice against the traditional property qualification. But I regard the so-called intellectual qualification, with the proposed methods of determining it, as opposed to free institutions, or as not evading the frauds and injustice of our present electioneering practices. This method is some court or body to decide whether some would-be voter can read and write sufficiently to possess the franchise. Not that an intellectual qualification, such as its advocates mean would not secure better voters and public officials, but that there is a vast difference between the "intelligence" which the advocates of an intellectual qualification mean to assert as necessary to good government and the "intelligence" which their method of limiting the franchise determines. The "intelligence" which will guarantee good government must imply or involve honesty and morality. But the educational test is no necessary indication of this additional quality. The "intelligence" shown by it may be of the

most anti-social sort, as in the average politician, who is "intelligent" enough, so far as shrewdness and knowledge of his immediate wants are concerned, but he too often has about as much honesty as the devil. To see that the "intelligence" involves morality also would require inquisitorial methods that are worse than universal suffrage. Moreover, the use of a court or public officers to decide who can and who cannot read and write does not give a self-determining method of limiting the franchise. It puts the power of limiting it in the hands of others than the subject of the right. The method which I shall propose is self-determining, and puts the whole responsibility for possessing or not possessing the franchise upon the person who desires it, and besides I maintain that it supplies a criterion for both the intellectual and the moral qualities necessary for good government.

There are two ways in which this limitation might be imposed, one of which would be an appeal to universal suffrage, and the other an application of the principle implied in the poll-tax. The first of these methods would require such a modification of the constitution as would establish long intervals between the appeals to universal suffrage, in order to secure in the limited electorate that it involves the intelligence and character desired, if that be possible. Those who desire a limitation of the suffrage for all purposes might consider this method, be-

cause, if practicable at all, it does not involve an acceptance of any other features of the scheme which I have proposed. Also if it has difficulties and absurdities for the political student it nevertheless has the merit of creating as slight a deviation from universal suffrage as common prejudice might yield. The idea would be to fix upon a definite portion of the population, the nearest to a given ratio, perhaps one-third or one-fourth, to serve as an electoral college for a long period, say twelve or sixteen years, and which must possess certain specific qualifications and be elected by universal suffrage.

This plan, however, I do not regard as a satisfactory one. It has no other merit than that of being a compromise with universal suffrage and with the superstition that the franchise is a natural right. The second plan, which is the one that I should favour, and which follows precedent in its main principle, is much simpler and more rational, and I think more practicable, whether or not it is possible to obtain it at once on a national scale. *It is to admit to the electorate all who pay an income tax to be determined by law.* This electorate body should have a permanent registry of its members, with decrements caused by death and failure to pay the tax and increments by fulfilment of the legal conditions. Moreover, the right to exercise the suffrage should be limited to those who have paid their income tax at least one year before the election in

which they are to participate. This provision is intended to guarantee protection against those abuses incident to the poll-tax which the politicians are in the habit of paying, especially when this qualification is put very low. At least some security must be exacted that the elector has paid his own tax, and that candidates for office have not paid it, and I consider that a long and definite period before issues and candidates have been determined as the best form in which this security can be expressed.

It is important to remark that the concessions which I make to universal suffrage at all are conditioned upon the adoption of the Court of Impeachment and Removal, the extension of the appointing powers of the executive, and the limitation of legislation pertaining to appropriations, banking, etc., to the Upper Houses. These provisions so strengthen the power of the intelligent classes that the arguments for universal suffrage in the remaining functions of government will appear more cogent and the objections to it less forcible. In fact, if such reforms were not adopted the responsibilities of the electorate would be so great that I should favour the extension of the qualification that I am advocating to the whole body of voters. Perhaps the average political reformer might think it a simpler process to limit the whole franchise in some such way as I propose than to work out any articulated system of constitutional changes. I should agree

that, if the responsibility for electing all our officers as at present, and leaving them with their present quantum of power and irresponsibility shall remain, the best process would be to adopt a universal qualification for the suffrage. But with the simplification of the duties of the electorate involved in the election of only an appointing power and representative of the Lower Houses, and with the responsibility of the executive and legislative and all subordinate administrative offices to the Court of Impeachment, I would conceive it a legitimate protection to other classes, if not also a prudent practical concession to existing prejudices, to limit the franchise in the manner proposed only for the Upper Houses and municipal executives. But in the argument for a limitation of it I shall not assume unconditionally the system of other changes that I have proposed, but adapt them to the general problem, though defining the qualification in terms of an income tax in both cases. If my system be practicable then I should defend a *differentiation*, otherwise a *universal limitation* of the franchise.

The cry, of course, which will be raised against this form of restriction is that it is a property qualification, and hence a resort to an institution that has been tried and found wanting. But I have a frank reply to this charge which will consist of two assertions: First, I do not care if it is a property qualification. That fact would not make it any the

worse for my estimation of it. In these socialistic times everything associated with property is supposed to be a Medusa head on which no political student and reformer can look and live. I for one am willing to accept the challenge which the accusation implies. Second, I deny that it is such a qualification in any sense in which experience has represented that policy. This is apparent from the little noise made about the poll-tax limitation.

In regard to the first of these contentions I do not know any fact which it is more important to keep in view, whatever we think of property qualifications for the suffrage, than the fact that property ultimately rules civilisation, no matter how much we may endeavour to prevent it. It is bound to succeed. When it cannot do it by constitutional and legitimate means, it will do it by unconstitutional and illegitimate means, and there is no way to prevent it. This is the experience of all history since society emerged from savagery. It is not because property represents mere brute power that it accomplishes this result, but because it invariably joins superior intelligence to the fact of possession, though this superiority may be nothing more than the prudence which invests savings. Property is power, but it is power combined with intelligence, enterprise, and prudence, and if the law of evolution be true at all, it represents the survival of the fittest, if not in each individual case judged accord-

ing to the standard of morality usually in vogue certainly in the matter of economic prudence and intelligence. Consequently it is bound to rule by fair means or foul, wherever there is the struggle for existence and as long as nature favours superior intelligence, even if it be of no higher kind than economic thrift. It is useless to antagonise property in the abstract or as an institution: for whether ideal or not, it represents the power which foresight embodies against improvidence, and every effort to invest the non-propriety class with political power equal to that of the propriety class only succeeds in producing unconstitutional methods for evading its influence. Government of this kind is terribly expensive and demoralising. But it is less costly than anarchy, and obtains toleration in comparison with this condition. One of the worst evils that follow all attempts thus to suppress the influence, not to say the rights of property, is that it forces a combination of the moral class with the unscrupulous and anti-social rich for the protection of the very first condition of survival and civilisation, when the two ought to be divided. Attack property and a common interest arises between all property holders to let their differences in morality alone, and the unscrupulous rich will come to the helm because they can buy, frighten, or deceive the proletariat into granting them official power to further enrich themselves at the public expense. When property

questions are not the issue the plutocrat and the politician have universal suffrage to use, one of them to threaten the rich with black-mail and the other to buy off the politician and the plebs in self-defence, and both to crush morality and intelligence in the operations of government. But if we should give property such a constitutional recognition as the limited suffrage implies, assuming that it is in reality such a recognition, we should divide the social from the anti-social rich in politics, eliminate the influence of the proletariat, and put the competition for political power within the propertied class between those who respect morality in their methods and those who do not, with a reasonable chance that the former would carry the day as they cannot in the present *régime*. Consequently, I am not frightened by the ordinary objections to the property qualification. I shall return to this question again.

The second reply to the accusation is that the limitation proposed is not a property qualification, as that has been construed in the past. In antiquity and until comparatively recent times land was the title to civil rights, and this gave the definition to property until the conception of real estate made it broader, so as to include houses and buildings of all sorts. The title to civil rights had to be some tangible object easily identifiable, and when real estate came to be a source of revenue as well as land its

ready identification put it on the same plane. But later civilisation had to extend the idea of property, as a social and political influence, to what is known as personal property, first chattels representing movable things and then stocks, bonds, bills of credit, and similar instruments. But the fluid nature of personal property in every form prevented it from being a safe criterion for civil rights of a special kind, and hence with the increase of the number of persons representing the second form of personal property mentioned, which consists of claims on the future production of land, the old qualifications had to be abandoned and either a tax substituted for it, or universal suffrage accepted as the alternative. A property qualification to-day, based upon land or real estate alone, would exclude, not only large numbers of property holders, but also a very large class of intelligent persons who are equal or even superior to all others in the judicial qualities necessary for exercising the powers of government: (1) It would exclude all those who trade in chattel and manufactured goods. (2) It would exclude all those who own and depend upon instruments of credit which bear income as well as real estate. (3) It would exclude large numbers of the professional classes who are at least equal to property owners in the moral qualifications for civil rights and duties. It was not land or real estate as such, but what it implied in antiquity that constituted the real quali-

fication for citizenship and the franchise. *This was prudence and intelligence with the social qualities involved and directed to ideals above physical satisfaction alone.* Or if the satisfaction was only physical it was above savagery. But these qualities to-day belong in a greater degree to the commercial and professional classes, commanding credit, on the one hand, and intelligence on the other, and in a less degree to those who depend upon rents. This is apparent in the comparison of the two classes of people. Land and real estate, when not used, one of them for exploiting nature by personal labour, and the other for the enjoyment of domestic life, but for the exploitation of others by rents which put the world's work upon one class and its leisure upon another, do not to-day favour the social type of mind upon which the best form of government must rest. This is well illustrated by the majority of the members of the English House of Lords of ancient standing. There are few of the hereditary peers, whose claims are based upon estates, that show the social and intellectual qualities suitable to the moral direction of modern government. As evidence of this notice the small number of peers that take part in the deliberations of the English Upper Chamber and the large number of them that is entitled to do so. They are largely a sporting class, enjoying the community's contribution to their leisure and performing no social duties in return. Those are the

really social classes who either exploit nature alone and live an independent domestic life, or lead that commercial life in which the *quid pro quo* is mutual services. The commercial and professional classes represent these conditions more distinctly than land-owners. Now it is the prudence and intelligence of the higher classes, with the social qualities that are encouraged by the principle of private contract in economic relations, that should constitute the title to citizenship and the exercise of the most important civic functions. The only question is, how to obtain a criterion for the most general possession of this qualification. As real estate or land will not do, with their loss of power to furnish social qualities, and as the broad definition of property, including even the whole range of personal possessions, will often exclude the professional classes who have every social quality to citizenship that property owners can have, and will also often be as indeterminate a criterion as the educational test, the best tangible index of intelligence and moral or social qualities will be a tax on incomes, which the professional classes can bear as well as property holders. In thus admitting the professions to the limited electorate, we should check the power of those who merely live on rents, and prevent the frauds incident to a property qualification to be defined by negotiable or transferrable values. That is to say, the income-tax would represent the widest range

of intelligence, prudence, and moral or social qualities making for civilisation and against barbarism, thus enlarging the class that shall conduct the operations of government. Moreover, the system could be made quite automatic, and by the size of the income taxed, or by the rate of tax imposed, to approximate as nearly as possible to universal suffrage, giving encouragement to economic prudence as a condition for social and political privileges. On the other hand, the prejudice against taxes could be used for pushing the limitation as far up the scale as possible, in order that the egoistic temperament might voluntarily relinquish his present political power for the economical. If it be desirable to call this restriction a property qualification, critics are at liberty to do so, but I should simply insist upon what I have already said about the history and meaning of that qualification in the past and that it imports something very different from that to which objection is made when interpreted in terms of landed property. By using an income-tax as the criterion in the case we obtain all the combined advantages of a property and an educational test for the suffrage, and add also to these a system completely adjustable to the prejudices of the community.

But here again I am met with the old objection in a new form. It is that my test is *economic*, not *moral*. In the examination of this criticism I return to the

function of property in civilisation. The accusation, that a limitation of the suffrage by a tax instead of some educational criterion is economic, not moral, gets its cogency partly from the influence of Christianity which has exalted moral and spiritual ideals above the material, with a tendency to make the material and the economic coincide, and partly from the jealousy which the sentiment of equality has cultivated against social distinction created by mere wealth. The old opposition between spiritualism and materialism here comes to the front in political controversies, and idealism reluctantly yields, or resists to the death, any claims that are made for a superior value in material standards. But the prevalent distinction between moral and economic forces, a distinction that puts the moral at the basis of the higher and the economic at the basis of the lower civilisation, depends for its truth upon one or the other of the following two assumptions: (1) That there is a complete and irreconcilable antithesis between economic and moral standards; that is, that economic standards are not moral at all. (2) That the moral and intellectual test for citizenship which is supposed to be superior to the economic is equally determinate and more general. I deny both of these assumptions. I must therefore take up this objection and show again more fully what the "economic" criterion really represents in the way of virtues qualifying for civil rights and duties.

Assuming that the economic test at least represents property in the broad sense of the term, the question is whether it does or does not represent also at the same time a moral quality of any importance. No doubt there is a distinction between the moral and the economic in common parlance. But it is not one that involves any antithesis between them to the extent of saying that the economic is never moral. In so far as the economic represents material objects and values in exchange, and the moral certain other means of satisfaction not commercially exchangeable there is a difference. But this difference in the data which define the moral ideas beyond the sphere of the physical does not imply that morality of some kind is not coincident with the economic. It only makes the common conception of morality a little more comprehensive than that of economics. But even this difference is only in the number of objects comprehended while the distinction of value is merely relative. In fact the economic is the moral at a certain stage of its development, and is the absolute condition of all realisation of ends beyond the satisfaction of the physical appetites. In this way the economic impulse becomes an ethical fact of transcendent value, and would be appreciated as such were it not that the conception of morality tends to become identified with the objects which require strong social pressure to get them respected, while the economic impulses require nothing but the press-

ure of natural appetite. But it is not the kind of pressure that is exerted upon the individual that determines the moral: it is the part which any voluntary action whatsoever plays in the development and improvement of the agent's condition and character that constitutes morality. This makes the moral include the economic.

Property is the expression of the economic virtues which are indispensable to all forms of government, whether public or private, social or individual: that is, whether government of self, or government of others. Civilisation emerged from savagery and barbarism only on the condition of private property. The intelligence that could extort from nature more than her spontaneous production of food, the capacity and willingness to work without social and political pressure, and the prudence that would provide for future wants and the responsibilities entailed by the family, were virtues of such a high order, compared with the savage condition, that the only security for them, as well as justice to the individual for his labour, was the institution of private property. Hence it came to represent the existence of those qualities in men which are essential to survival and progress, and which give the possessor of them rights, rights by nature if that phrase be allowable, that indolence, improvidence, and ignorance cannot claim, especially when population begins to extend beyond what the spontaneous products of nature will

support. Property is simply the reward of the man who will work to sustain either a higher ideal than nature alone will permit, or the population that spontaneous products cannot satisfy. Hence it is the index of the first and most important virtue that brings man out of savagery. This virtue comprehends intelligence, prudence, and social habits if only within the limits of the family. No matter whether property takes the form of real estate, personal possessions, or incomes, it embodies these virtues in some degree and is entitled to that importance and recognition in social and political life that is commensurate with its influence upon human progress. Power has to be placed somewhere in government, and there are not two opinions as to the virtues that should represent it, though we delude ourselves with the idea that property is not an index of them and that universal suffrage as applied to-day excludes the undue influence of wealth. But the fact is that the franchise without qualification is so much power in the hands of those who do not possess the virtues which property represents, power to govern others when they have not the intelligence and prudence to govern themselves. This class is dominated by economic desires of the lower type and is at the mercy of all who show superior intelligence. Consequently, their political privileges only confer power without the ability to use it rightly even in behalf of their own interests, and enable any

set of men, when well organised, to play upon cupidity, prejudice, and envy for the power of public office, which is used in forms of corruption past all description. Our ruinously expensive government, shameful system of national taxation, black-mailing of individuals and corporations, and bribery at elections and in the legislatures, show clearly enough that universal suffrage does not eliminate the influence of wealth from politics, or produce the millennium and paradise for any but scoundrels. In fact, our present system only puts wealth, or the power which it represents, into the hands of the unscrupulous who can always use the proletariat for any irresponsible power that is wanted, and for plundering the community in some form, whether by taxation or black-mail. They have become so bold that they do not discuss the problems of government at all, but carry on their business with the audacity of pirates and the immunity of saints. Universal suffrage is simply the useful instrument to this end, and the boasted policy which was to cure poverty and destroy the influence of wealth has only increased its power and handed government over to the anti-social classes, with a struggle between the anti-social rich to plunder everybody else and the anti-social poor to do the same. The proper limitation of the franchise would cut off the sources of the politician's influence over the proletariat and place the balance of power in the great middle class whose

social and moral qualities are superior to those of the rich who buy the plebs with a mess of pottage or false promises in order to muleet society, and whose intelligence and prudence are superior to those of the proletariat.

I do not hesitate to say that every form of government by the property classes is better than the mob rule which is government by the non-propertied classes and the logical consequence of the doctrine that the ballot is a natural right. Mob rule as I use the term here does not necessarily imply riot and insurrection. Mob rule exists when the ignorant and vicious classes select pirates and black-mailers for our governors, and make honesty and fidelity to the public impossible except at the expense of everything honourable men prize. Mob rule may make and then conform to bad laws because they are shaped partly to satisfy the sense of vanity and power in the masses, and partly to favour their economic and social interests at the expense of the community. The property classes have never done any worse than this, and when they can keep the egoistic type of their own numbers out of political power they have always done better. This is true in spite of the fact that government by the property classes in the past is marked by conspicuous failures. But this result was caused partly by the exclusion of intelligent classes equal or superior in social qualities to the owners of real property and hence by the undue

amount of power in the hands of the latter, and mostly by the want of adequate means for making the executive responsible for the use of its political privileges. In the system which I have proposed the conditions exist which will keep the competition for political power within the limits of the intelligent and prudent classes, enabling the more social elements of the community to prevail and preventing the anti-social rich from overriding the moral portion of society by purchasing or deceiving the anti-social poor. The flexibility of the test for citizenship, which I offer, concedes all that the most ardent antagonist of the old system which universal suffrage supplants can urge, while the inhibitive functions still left to the whole population, outside the jails and penitentiaries, in matters not pertaining to the interests which the poor do not and will not control, are all that the proletariat can legitimately claim in behalf of the individual. Intelligence, enterprise and prudence are qualities which natural selection and the struggle for existence have shown to have the right, as well as the power, to control the destiny of history, and it only hinders and delays progress, or even produces ruin, to endow the opposite characteristics with the police power to convert economic forces into the channels of black-mail and various forms of illegitimate exploitation and evasions of just contribution to the world's necessary work. The artificial selection of politics should aid

or imitate the natural selection of the cosmos. Otherwise the cosmos will have its own way, with vengeance for neglect of its laws. Property is power, and unless the rewards go to the legitimate uses of this power we shall be left with the brute and internecine struggle for existence as the only resource for intelligence and prudence to employ in their self-defence. For might will always win, and it will win against the more ideal right unless the latter, giving up sentiment, is shrewd enough to produce conditions in which it is the interest of mere power to respect the claims of conscience. The immunities of political power should fall to the honest as well as the intelligent, and universal suffrage, especially in economic matters, only throws the balance of power into the hands of those who do not know enough to use it in behalf of their own interests and are not willing or social enough to use it in the service of the public: but becoming the dupes and prey of the politicians, keep on producing the Pandemonium from which they profess a desire to escape. But we cannot expect good government from those who cannot govern themselves. "Self-indulgence," says Mr. F. H. Wines, "on the part of the individual, if carried to excess, necessitates control *ab extra*. This extraneous control may be parental, monarchical, or legislative. The struggle between opposing forces for a greater or less measure of communal restraint assumes largely the form of a con-

flit between the principles of individualism and collectivism in social organisation, the result of which is to assure the individual so much personal freedom as he is capable of using to his own advantage and that of the community, but no more. Self-control is the condition of freedom, and the degree of growth in self-control is the standard of progress." * The whole philosophy of government is embodied in this statement, and unless the suffrage be based upon this principle democracy cannot succeed in anything except the extension of freedom at the expense of morality and good government. Limit the franchise, therefore, in some such way as I have proposed, adjusting it as the social conditions require, if need be by a graduated income-tax, which may draw the line between those who are interested in social institutions and those who are not, and political power will not be controlled by the ignorant, improvident, and vicious, but will be held by those whom neither bribery nor deception can influence and who always stand as strong barriers against the two anti-social extremes of society, the conscienceless rich and the incompetent poor.

An important reason for putting political power into the hands of the middle classes is the fact that they furnish the best combination of moral qualities for the purposes of evolution and progress. They supply the best quality of population and in propor-

* *Charities Review*, Vol. VII., p. 721.

tion to their abilities to support it. The plutocrats furnish prudence, but neither population nor social habits and instincts: the proletariat, who are the majority, furnish population, but neither prudence nor intelligence, and often no better social instincts than the rich. Good government depends as much upon social and moral qualities as upon the intellectual, and so should fall to the class that combines them. But if the anti-social classes, whether rich or poor, are free to secure, one of them the wealth and both of them the political power of society, the morality of the world will be ground to pieces between them. Now as all forms of government, except that of the referendum or pure democracy, represent a very small majority, which by virtue of a constitution written or unwritten, has all the power to make the laws and to do the governing, their success depends wholly upon the wise and just use of that power. There is, therefore, no inherent objections to the possession of political power by the few as such, but only to the machinery that makes this few anti-social. If then the franchise and political power be confined to the class with the largest portion of intellectual and moral qualities we should expect in this policy, and in this alone, the best results of government. The only problem is to find an adequate criterion for the existence of these qualities, not necessarily in every individual, but in the class from which the selection for official functions is to

be made. The virtues that produce property and support the family and other social institutions are this criterion, and an income-tax is the best method for showing the widest distribution of them.

The distinction between the right to exercise political power in governing others and the right to liberty in the regulation of one's own conduct, which has already been mentioned, has an important bearing upon the problem of the franchise. The distinction cannot be too strongly insisted upon in this connection, since it has either not been recognised at all or has been ignored too much by political students. It is natural that it should be forgotten when we come to consider both the way that history is usually made and the mental laws that influence the application of general ideas. When we examine political history closely we shall discover that its struggles have a double aspect. This has been virtually hinted at in showing that resistance to any given government usually takes the form of a transfer of power rather than a mere modification of legislation. When nations undertook to secure exemption from offensive laws they transferred sovereignty from the king to the subjects. Government had so often interfered with personal liberties in private matters, thus transgressing the police functions of political institutions and exploiting the citizen, that the only cure for the evil seemed to be a privation of power. But this was effected by a transfer of it,

or of the sovereignty adhering in the state, to the citizen with all the political influence that it implies. It may have been necessary, owing to social and other conditions, that political power, the right to exercise the functions of government, should be conferred in order to secure personal liberties and exemption from oppressive legislation. But an expedient necessary to secure an immediate and important end does not carry with it the same imperative-ness for all conditions of life. It is possible to draw a line between the range of political and the range of personal rights, as is already done in some cases. But however important it may seem to many political students that the defence of individual rights should be placed in the possession of civil and political rights, it is certain that republican institutions, or representative governments, do not treat political and personal rights and liberties as convertible either in their character or their extent. The fundamental assumption of representative government is that the ruler is better qualified to exercise political power than the citizen. If this is not true the referendum is the only condition in which the ordinary theory of the relation between political rights and the defence of private and personal liberties can be maintained. Either our present institutions are wrong or the referendum is so according to the common standard. If the referendum is a *reductio ad absurdum* of government, the distinction which pres-

ent institutions imply between civil and personal liberties must be the one upon which to base the practical operations of government.

But aside from this *ad hominem* argument the case can be stated more effectively in the clear fact that the right to freedom in the regulation of one's own personal matters does not involve the right to govern or regulate the liberties of others. Some measure of political or civil rights may be necessary to protect private liberties, but there is no absolute necessity that they should involve as much power to govern others as the present system confers. The proposition in this work to separate somewhat the functions of Upper and Lower Houses, to limit the number of elective officers, and to strengthen the executive, is based upon the distinction here assumed and asserted between political and personal liberties, while it yields the protection of personal rights by the possession of the civil to that extent, but restricts the liberty to exercise government functions over others. The limitation of the franchise also as here proposed is based upon the same function in so far as governing power is concerned. But I do not desire self-consistency to be any argument for a limitation of the suffrage. I make the appeal only to throw the case theoretically back upon the principle itself, and if it can be seen to be certainly true the issue is won. Now in private life and conduct affecting only the welfare of the individual himself

there can be a very wide range of liberty, and the individual can have as many rights as you please to conceive. As society and government are constituted we can rely upon the demand that his social and commercial relations with others shall be subject to the conditions of private contract. This condition establishes a limitation upon both parties to social intercourse, or mutual responsibility, in which the only inequality between the two shall be the natural one determined by the struggle for existence. But it is not so with political rights which confer the functions of government upon the citizen. They add police powers to personal liberty, and in the present system which does not adequately recognise executive responsibility the conferment of power to govern without a check similar in effectiveness to the principle of private contract in personal matters only applies in government the irresponsibility against which in the doctrine of Hobbes and absolutism democracy was a revolt. The opposition to irresponsible imperialism was based upon just this complaint that it involved no limitation upon governing powers similar to the principle of private contract in individual life, but added the power of the police to personal immunity in the exercise of government over others. The reaction against this ideal of government has simply carried this conception of power and immunity over to the citizen, instead of establishing the proper responsibility of the rulers

and securing a criterion to distinguish between those who are qualified to govern others and those who may be free to govern themselves. The limitation of the franchise which is here proposed is an attempt to supply such a criterion, and if it eliminates the ignorant and anti-social classes so as to qualify the right to political power by social character it effects the desired end and conforms to the distinction between political and personal liberty, or to put it otherwise, the distinction between the right to govern others and the right to govern one's self. We talk about democracy being self-government. It is nothing of the kind, unless there is no police agencies at all and the referendum is the only source of all legislation. Democracy, as it is applied in this and all other countries, involves, to consider it from the stand-point of universal suffrage, the government of the prudent, the intelligent, the property and the social classes by the imprudent, the ignorant, the non-propertyed and the anti-social classes; and to speak of it from the stand-point of constitutional methods it involves, theoretically at least, the exclusion of the right to directly govern others from the masses and the limitation of it to those who are presumably best qualified for such duties.

That the right to govern self and the right to govern others are not convertible or coincident can be sustained in another way which will bring out the incompatibility of socialism with democracy.

In economic, social and political conditions where industry is not highly concentrated; where communities and individuals are more independent of each other in their interests than in modern times; where this independence affords an adequate check upon the abuses of political power; where the exercise of government functions can be tyrannical only when it interferes with personal rights and liberties, it is natural and legitimate enough to link the protection of the latter with the possession of the former. But in a social system where industry is highly organised and concentrated, so as to represent a vast number of *imperia in imperio*; where social and economic solidarity is widely distributed, connecting places like New York, San Francisco, London, and Calcutta more closely than ever were Athens and Sparta; where government interference and action either affects social interests more than those of the individual or compensates the infringement of personal rights in individual cases by some equivalent benefit to others; where, consequently, there are no adequate checks upon abuses of political power, the majority being able to exploit the minority with impunity; where political power is sought, not for adjusting the competition between individuals upon the principles of justice, but for the opportunities which it affords to escape the individual struggle for existence by sharing in the exploitation of others; and

where proper government can be secured only by the social as opposed to the individualistic moral temperament—in these conditions we have to establish some criterion for distinguishing between social or political and personal liberties. Nothing but a limited franchise will accomplish this unless men are made intellectually and morally equal. Assuming, then, that economic prudence is the most general index of the intelligence and moral character which the social man possesses, we have in some such proposal as I have advanced a measure of a necessary political reform. The socialist cannot escape this view of the case. He pleads in behalf of his system the solidarity of economic interests on the one hand and the tyranny of individualistic government on the other, while clinging to a democratic suffrage which provides the very government invoking his hostility. He would immensely enlarge the functions of government and the range of its benevolence, though suggesting nothing to secure the agents who respect the socialistic ideal. But the socialistic ruler must be the *social* man, while our present system only gives us the anti-social man for governor. Hence the socialist must choose between the limitation of the franchise and the failure of his system.

As a further reason for limiting the suffrage to the more intelligent classes, at least in the matter of the more important functions of government, I may call

attention to the revolution which has taken place in modern ethical ideals, a revolution that has occurred only in the last generation. The consciousness of this change is not so general as might be expected. Those who were educated and lived under the ideals of the past generation still show a fixed disposition to judge the present age by the standards of one that has vanished. This conflict between the old and the new ideal is a most interesting object of observation and reflection. The old ideal had its origin in Christianity, the new one in the doctrine of evolution. I have already remarked more than once the influence of the belief in immortality in creating a consciousness of the value of the individual. It was associated with and reinforced by the social ideal of human brotherhood, which grew into the sentiment of equality. The whole mediæval and modern system of benevolence embodies this ideal and petrified it into a generous sympathy for the weaker classes. The Church fostered and still fosters it. Liberty, equality and fraternity are the shibboleths of this comprehensive conception. It was this sentiment alone that overthrew slavery in this country and intensified the momentum as it preserved the consistency of democratic impulses: for it turned the balance of judgment and purpose in the logical conflict between the constitutional principles in favour of freedom and the disposition of the aristocratic to use force with the weaker mem-

bers of the race in commercial dealings with them. For eighteen hundred years, in so far as it could free itself from the dominion of imperialism which was the survival of the Greco-Roman polity of might against right, of power against weakness, the whole machinery of civilisation was directed to protect the rights and interests, not only of the individual, but of the inferior classes. Society represented and was pervaded by a divine-like mercy toward the unfortunate, even though it was dictated by the prudential motive of personal salvation. While the primary virtue of antiquity was courage, that of later times was benevolence. But this beautiful idyllic dream of Christianity was ruthlessly shattered by the conquests of scepticism and physical science. First came Copernican astronomy, then Newtonian gravitation, and lastly Darwinian evolution. The first of these conceptions removed the last vestiges of that belief, originally Greek and partly Christian, which had spiritualised the whole celestial system: the second extended natural and mechanical causes into the structure and formation of a universe made physical by Copernicus; and the last left us with the struggle for existence and the survival of the fittest, the sole right of the strong, for our ethical norm in so far as it was reflected in the course of the physical universe. Nature, which had been the poet's type of paradisaic beauty and happiness, was turned into the shambles of omnipotence. The golden age

which had been variously placed behind and before the human race vanished into the limbo of fancy and mythology, while the awful spectacle of evolution gave no lustre to the speculations of either history or hope. It is this conception which has done so much destructive work against the moral ideal of Christianity and substituted the right of the strong for the ideas of equality and fraternity, until there is little respect for the principles which had developed and sustained a policy of both justice and benevolence toward the weaker classes. This is evinced by a large number of facts, connected, some of them at least, with other and co-operative influences at the same time. For instance, the reactionary policy of the Republican party in its indifference to the constitutional rights of the negro, the mad progress of "imperialism" in which inferior races are to be exploited for the benefit of the commercial classes, the growth of lynch law, and such action as that of the present Governor of Illinois in his direct infraction of the constitution of the United States without protest or interference from an indifferent and pusillanimous public—all these and a thousand other facts show what havoc has been made of the old ethical ideal by the fundamental conception of evolution, which has not received any general correction by the famous concession of Mr. Huxley in his *Romanes* lecture. What modification of it the future may have in store it is not necessary to con-

sider here, as we have only to remark at least its temporary opposition to the moral ideal of the democratic past.

Now if the doctrine of evolution is to hand us over to institutions that are to embody the rights of the strong against the weak, the supremacy of the "higher" over the "lower" classes, we must have some method of making "higher" mean moral as well as strong. We do not discover this influence in the ignorant and vicious classes who seem to be the predominant factors in the exercise of the suffrage and in stimulating the spirit of imperialism. They prefer gambling dens, brothels, saloons, horse-racing and prize fighting to pure politics, and are ever ready to cultivate a martial spirit when the politician manufactures some foreign complications for his subterranean purposes. This class cannot be entrusted with the balance of power in any imperial policy. If we are to have that system we must contrive a method of joining *social* instincts and interests to power. Otherwise we shall be governed by Neros and Caligulas.

In fixing upon a qualification for the franchise it is always necessary to choose a perfectly simple criterion, capable of application or determination by the subject of the right and not by a foreign power, one which philosophy would call an objective test. The intellectual and moral qualification is the one constantly spoken of as the best by all who cannot

persuade themselves to accept a property qualification, and this is unquestionably true, as already remarked. But what is the evidence of its possession? No one will trust a court to decide the matter, while the economic test can be made quite automatic, and as I have shown the economic criterion is a moral one, or the symbol of it. But whether the qualification be intellectual and moral, or economic, it must fulfil three conditions in order to be successful as a qualification for the suffrage: (1) It must be general enough to support the beneficiaries of political power with sufficient physical force to sustain the law. (2) It must be a primary condition for survival in the struggle for existence. (3) It should be an external fact patent to all and equivalent to the services which society renders the individual. The economic qualification fulfils all three of these conditions, while the intellectual and moral test without it violates either the second or the third, or both conditions, and in addition limits individual liberty to a greater extent in the acquisition of the right by leaving it in the hands of a court. Moreover, the economic test is the easiest applied, is sufficiently elastic to approximate universal suffrage, if desirable, which I think it is not, and can be made to reach the material conditions of society which are the first demands to be satisfied in the support of population before any other ideals are possible. It is the index of the one virtue; namely,

prudence, which, though it does not always insure the cultivation of higher ideals than wealth, nevertheless is the necessary condition of their possibility and of the opportunity to pursue them. This gives it the highest value as a political instrument, and when it promises at the same time to secure the intelligence which is commensurate with the demands of good government, we ought not to be frightened at the politician's cry that it is dangerous to limit the suffrage. He has his reasons for this fear. With his peculiar notions of what is practical in politics, which is to let civilisation go to the dogs while the proletariat learns to behave itself, he can never rise to the dignity or honesty of educating the masses to a method that is best adapted to their interests, but knows only how to lick the dust off their feet while he secures the power to rob them. The sooner that we learn that the so-called "practical" politician is either a fool or a knave, or both, the better for us, and when we have learned it we shall place some confidence in the scientific truth about politics and cease to fawn upon our masters for the sake of saving a small remnant of civilisation from wreck and ruin. The privileges of government are very dubious when sycophants are the kings and the favour of mobs is the title to power.

Before indicating what I assume to be the advantages of the scheme as a whole, as outlined above with its differentiated franchise, I must anticipate a

question which many political students will ask with a view to insinuating that I have not considered and provided against the worst evil in modern political life. The question is this: What means have you to suggest for nullifying or destroying the power and influence of the "boss" and "machine?" I admit frankly and without reserve the extreme importance of this question, especially as it relates to the one objective point which occupies almost the whole attention of political students.

In answering this question I have only to say that I have had this very evil in view when proposing the comprehensive system that I have outlined. But I did not assume that the end was to be directly attained, or that the theory of government involved nothing but a discussion of "bosses." I had also a constructive purpose in view that went to the foundations of every form of successful polity. Once obtain a method for good government that will put the balance of power in the intelligent and moral classes, and there will be neither excuse nor opportunity for the existence of "bosses" and "machines." There are just two of the provisions of the proposed modifications of our constitution that will tell directly against "boss" government. They are: (1) The Court of Impeachment and Removal, which applies responsibility to public officials in a way that makes "boss" and "machine" control of them impossible. (2) The limitation of the

franchise for the election of the Upper Houses that shall have control of all appropriations and expenditures and public improvements, the one source of the "bosses'" power and ambition. These are strong checks against them.

I cannot go into any elaborate study of machine politics, but I may look at the surface of them briefly and examine a few of the general causes for their existence. The defence of the "machine" and its "boss," whether he shall be called by so disreputable a name or not depending upon his conduct and character, is that some such compact organisation is necessary in our present political conditions in order to secure efficiency in the management of elections and the various duties connected with them. This is true. But it does not represent the real motive for its organisation. It is not the compactness of the machine and its organisation, nor the imperious nature of its conduct and power that gives the system its bad name and associations. No one would object to it in the interests of justice and good government. It is the insolent disregard of public welfare, the deliberate exclusion of intelligent and honest men from office, the refusal to reason about public policy, the shameless corruption of its leaders, its organised methods of deception, bribery, and black-mail with public jobbery and frauds upon the tax-payers, that make machine politics so despicable in the estimation of the public

conscience. This authority in the right hands would be a blessing. Hence the need of organisation is neither an explanation nor an apology for "bosses" and "machines." They arise from conditions that have a long and complex history, and that involve both the general supremacy of the economic ideal in modern life and the special social development that this ideal has received in this country. Nowhere in the world have there been such golden opportunities for the pursuit of wealth as in this continent. The enterprising of the old world emigrated hither and having cut loose from the social, intellectual, æsthetic, and moral ideals of Europe, had but one object to attain and one ambition to satisfy. This was the accumulation of wealth, or the satisfaction of the economic ideal. On the other hand, the absorption of one class in this pursuit, so that it will take no part in politics, and the possession of the franchise by the proletariat who have votes to sell at some price, enabled the shrewd politician to come between and to use the poor with their economic aspiration to plunder the rich. Hence it is the opportunity and desire for public pelf, directly or indirectly, and for gratifying personal ambition without reference to public service, that are the most potent influences in the formation and cohesiveness of the "machine." The slightest real interest in the public would either create differences of opinion regarding the policy best adapted to this end,

or in unifying the agency, when differences do not exist, for a good purpose and no outcry would be raised against it. But the single purpose that animates the average politician is the same that inspires the beggar or the thief. Either he has failed for want of ability of an honest kind in legitimate methods of business and in competition with his fellows, and seeks a public salary with freedom to indulge his natural indolence, or he uses his ingenuity and abilities to secure the irresponsible power to plunder the public with impunity.

These being the causes that produce "bosses" and "machines," it ought to be apparent how they will be affected by the comprehensive scheme that I have proposed. But I shall summarise the forces that should act as deterrents of machine politics. (1) The adoption of civil service reform, or permanent official tenure in the subordinate service, subject to good behavior, which will limit the power of spoils to corrupt public life. (2) The extension of the executive's appointing power which will make him more independent of the "machine" in the direction of his policy, while it makes him more sensitive to public opinion and his responsibilities. (3) The subjection of the executive, legislative, and all administrative officers to the Court of Impeachment and Removal and its absolute powers of discipline and purgation. (4) The influence of the Court of Confirmation in limiting the appointing power of

the executive. (5) The removal of the control by universal suffrage over public appropriations and improvements, so that property interests will not be at the mercy of those who are disposed to prey upon them without a return of equivalent services.

These conditions would exercise a very powerful influence against machine politics, and if we wished to strengthen them we might entertain the proposition to subject campaign committees and candidates for office to the Court of Impeachment. But I hardly think this necessary with the restraints already indicated, especially if a public accounting of all campaign expenses, individual and collective, be required. There is, however, another feature of the existing system which I have not noticed and which occupies the attention of political students almost as much as any other weakness in it. This is the primary election. It is in the primary that our government is really determined. It is here that the "boss" and the "machine" get in their work; it fixes the candidates which the "boss" expects to use for his purposes. The public can work up no interest in the primaries, because it assumes without the slightest intelligence regarding the real genius of our institutions that the policy of authorities is determined by the regular elections, when in fact both the men and the policy are determined by the underground methods of the primary, large numbers of the citizens taking no part in them be-

cause they have not been made to feel its importance as they do the constitutional, or compulsory method of the law. Consequently, those who make their living by politics control public office at its foundations by putting the voter between the devil and the deep sea in the regular elections. Hitherto I have said nothing of this system, and have proposed no means for correcting it. Most persons would say that it is here that the reform must begin. But I should contend that the system which I have proposed, in destroying the chief resources of the "boss's" expectations and power, must take away his interest in the primaries. If he cannot make his henchmen responsible to himself when in office, and if he cannot use universal suffrage as capital for purchasing the power to prey upon property, his vocation is gone. But as universal suffrage is still to remain for the selection of the Lower Houses and the legislatures, I would suggest the following regulation of the primary election system. This is to conduct the primaries precisely as the regular elections are conducted under the so-called Australian system. The main practical difficulty with the present system is the fact that a man has to declare his party affiliations before he can enroll for the primary and to promise to support the ticket nominated. It is often against his business interests to make these preferences known in this way. Hence only those who have

nothing to lose and those who make politics a business are willing to accept publicity in their party affiliations. But the plan of putting the primaries under the law and conducting them in the same way that the regular elections are managed, *if the ballots within the party lines are counted against each other, and not against ballots by other parties*, the following conditions could easily be fulfilled: (1) The use of the same registry of the voters as is used in the regular elections. (2) The omission of all declarations of party preferences and promises to support a particular party. (3) The casting of a single ballot, so that the choice is definitely for one and against all other candidates for nomination. (4) The secrecy of the ballot. (5) That the candidate nominated by any party shall represent a certain percentage of all the votes cast by that party.

I do not decide in these provisions whether the nominations thus made shall be of the candidates for office, or of the members of the conventions that shall make the nominations. I am willing to leave the decision of this question to others, though I think I would prefer that the members of the convention should be elected in this way. The main point is to secure more respectable methods for the primaries, and a way out of the difficulty encountered in the reluctance of voters to declare publicly their party affiliations and to pledge themselves to sup-

port this party's nominee whoever he may be. There are other and corollary questions to be considered in the perfection of this method, but they are subsidiary and unimportant in comparison with the main problem.

The last provision in the system I have proposed has to be considered. It is the appointment instead of the election of all judiciary incumbents. Both theory and experience are in favour of this policy, and I shall not undertake to argue it at any great length. If there is any general scepticism on this point, I have only one fact to mention, and it is the superiority of all courts in which the judges are appointed as compared with those in which they are elected by popular vote. Long tenure is also an important factor in this result. But of this again. The main issue at present is the method of securing judges fit to do the work required of them, and experience has shown that appointments to the judiciary by the executive have uniformly been better than the popular election of them, this judgment perhaps being modified somewhat by the influence of long tenure in cases of elective appointment. But other things being equal judicial appointments are superior to their election. The reason for this is clear. If elected by popular vote the position is put at the mercy of men who are not qualified to decide upon fitness for judicial duties, but at most only of personal qualities which have no necessary

connection with the ability and readiness to dispense justice. On the contrary, those qualities are more likely to exclude the historical characteristics that attach in the public's estimation to a judge. Judicial positions require a wholly different talent from that of the electioneering politician; and if they require anything different at all these qualities will be the very opposite to those in the bidder for votes. The politician must be a hail-fellow-well-met sort of a man. suave, courteous even to people he despises, and capable of promising everything to every man he sees. The judge between man and man must possess the characteristics which have made the world describe justice as cold and impartial. These qualities do not fit a man for conciliating the passions and prejudices of the populace, and the man who has them, with the sense of honour and conscientiousness that belongs to them, is not likely to meet with favour in comparison with the sharp campaigner who can tell funny stories and indulge in familiarities of all kinds with his constituency, while he secretly despises them and expects to mulct them when he can. Nor can the argument that my system permits the election of the executive by the popular vote apply to the judiciary, because the two offices are wholly distinct in their nature. Judges have to interpret the law without regard to the interests of either side to a controversy, and to consider the complicated problems of evidence,

which requires a scientific order of mind as well as freedom from passion and interest: the executive requires tact and sympathy with all persons with whom he deals in the administration of the law. Popular personality has a real value in the exercise of this function, as it disposes less to tyrannical administration. But I do not require abstract argument to make the case clear. The Supreme Court of the United States is a conclusive illustration of my contention. Moreover in conversation with one of the chief authorities on constitutional law in this country I was told by him that my proposition is one of the first and most important reforms that the immediate future should consider. He had noticed that the courts had deteriorated with the degeneration from the former policy of appointment of judges that had prevailed in some states to their election by popular vote.

In regard to tenure it is quite as important as executive appointment that the judicial tenure of office should be long in order to secure the men best qualified for its duties. Men of ability and with high ideals will not engage in any vocation that has the precariousness of a political career in the present system: nor will they do it in any order of things that necessitates uncertainty and anything like shiftlessness. This is a truism in trade, in medicine, in law, in teaching, or in any other profession. Hence men who have made a success in the legal profession

are not going to sacrifice their practice and clientage for the sake of two or three years of judicial honours and low pay to be left afterward without any resources except the chance to build up a new practice, especially when the office has to be obtained by methods that are a prostitution of honour, dignity, and the qualities which are necessary to the dispensation of justice. Consequently, only nondescripts can be secured to-day for the minor judicial places. To improve the courts, therefore, the policy in some states during recent years, New York State for instance, has been to fix a long tenure for the most important judicial positions like the Supreme Court. The consequence has been that it secures better men than under the old system. But in addition to long tenure we should have their appointment instead of their election, and all our courts might have the character that justice has given them in England and the decisions of the United States Supreme Court in this country.

There is also a modification of our methods of amending constitution desirable, if we are to leave universal suffrage intact. But as the system proposed makes this less imperative no great importance will be attached to the problem, except to show where the defects of our present system are in this respect. A constitution is supposed to define the powers and rights of the various departments of government, the executive, legislative, and judicial,

with their limitations. Now it is essentially absurd to leave, as our present method does, the duty to suggest and prepare amendments and changes of this fundamental law. With a tendency to obtain and use all the powers that they can secure, it cannot be expected that such bodies will be much interested in the imposition of limits upon its powers. It is in its very nature absurd to leave the suggestion and organisation of constitutional reforms and changes to the initiative of the executive and legislative branches of government. They are the parties to be governed by such instruments. A special body of men should be provided for this purpose independent of the directly governing agencies. This could be done without any political complications and without any expense to the state. But with the thorough responsibility of public officials I imagine that there would be little reason to be tampering with the fundamental law as at present. The constant demand which we see on the part of citizens for constitutional amendments is only a further proof that our institutions are a failure, and that we have no adequate means for making public men responsible, or respectful of the service of the community. Establish their responsibility and we should need constitutional tampering as little as in England.

Such would be my reply to Mr. Lecky: not by denying the justice of his complaints against the

work of democracy, nor by defending its present form as the final stage of evolution, but by admitting its many failures and proposing the means of differentiating and integrating its functions, so that we may obtain the strength and conservatism of monarchy without the irresponsibility of its power, and the wider distribution of justice and liberty in democracy without its anarchy. Monarchy, or a return to mediæval types of government, is possessed of two ineradicable evils: (1) There is the permanent tenure of executive power with little or no responsibility to either the people or any other constitutional check. This permanence of tenure without responsibility tends to aristocratic tastes and habits, nepotism in appointments, and indifference to human rights and justice. Some of these evils are the characteristics of the incumbents of political power in any form of government, but are more easily corrected in democracy than in monarchy, because, as in the scheme outlined above, permanence of tenure does not belong to appointing or executive power, in fact, to no one at all except on condition that the interests of the public are maintained by it. Even permanence of tenure is offered only to administrative subordinates (with responsibility to the Court of Impeachment), to the Supreme Court, and the Court of Impeachment, all of which are non-executive offices and without powers of appointment. That it is the permanence

of tenure with exemption from responsibility that creates the main evils of government is shown positively by the career of the present emperor of Germany, by the history of Russia, and in our own country by the irresponsibility of the "boss," and negatively in England by the crown's relinquishment of many of its functions, especially of its chief executive duties. (2) There is in hereditary monarchy, with its usual family life, connections, private habits, and social limitations generally, a tendency to the physical, intellectual, and moral degeneration of types that are to be the legates of political power. Not that this tendency cannot be overcome, nor that recuperative influences are not at work to prevent the worst consequences: for family ambitions, personal interests in social honours and attentions, and a wholesome fear of revolution operate to check the worst form of degeneration in so far as dynastic questions are concerned. But the traditions of blood, the preservation of aristocratic dignity, and the antagonism to democracy require a vigilant exclusion of anything like an infusion of democratic blood and tastes into its veins. The worst effect of this is the moral one, in that both the exemption from responsibility and the withdrawal from common life, with its social commerce, create an intense selfishness and an utter inability to appreciate the demands of justice. Consequently, monarchy prevents us at all times from having the

intelligence and moral character, born of the struggle for existence and social ideals of the middle classes, that are necessary to meet large responsibilities, and democracy is only an attempt to secure these qualities and to evade the evils of despotic government, though, as in our own case, it may easily be nothing more than rushing from the frying-pan into the fire, as any retention of irresponsibility in governing powers must occasion.

But in forbidding permanence of tenure for executive functionaries in order to escape the evils of monarchy, we require either to have a satisfactory method of electing men to such places who can be trusted with the irresponsible powers that such positions demand, or to deprive them of these powers and put them into the hands of the legislatures, or to make the executive responsible, leaving it with its large powers to direct the government. With the proper arrangements this last can be done. Monarchy is right in its conception of the power which it confers upon the central function of government, as is shown by its efficiency wherever possessed, a fact also proved by the efficiency, if not the virtues, of machine politics, and it has only been a misfortune that this power had not been earlier separated from irresponsibility and permanence of executive tenure. But in abandoning monarchy and an irresponsible executive to hand their power over to the organised mob of our legislatures, the

subterranean methods of legislative committees, the " scratch-me-and-I'll-scratch-you " policy of representatives with its refusal to serve the public except on the condition that personal interests are first fully subserved, the bribery, black-mail, and lobbying of legislators, the petty rivalries of politicians, machine politics, and the anarchic mode of selecting our officers, are the penalty we pay for our unwillingness to simplify government by a better imitation of the development which has gone on in the system of industrial organisation, where integration and differentiation have occurred automatically and in response to the needs and interests of economic production and distribution. The whole process of natural development inclines to put the larger powers in the hands of single agents, the check in the economic world being competition as well as honesty where the interests are complicated. Competition is an inhibitive process on the abuses of centralised power, whether in government or private enterprise, and if no political machinery can be obtained either to supply some form of competition within the social organism, or its alternative, honesty and public spirit, these being its only substitutes where competition and responsibility cannot be secured, the jealousy of strong executive powers will keep us in the direction of anarchy, because of that solidarity in the socio-economic system which makes irresponsible power so dangerous, and we shall have to put up with ir-

responsible "bosses" and the increasing number of *imperia in imperio* characterising the organisation of economic forces under the favour of some form of protective, one had better say piratical, legislation. If centralisation and efficiency are cause and effect in economics they are the same in politics, and the existence of them in one will end naturally and inevitably in the other, owing to the enormous economic interests that are involved in the very constitution of the social organism, and unless we can adjust our political institutions, the executive and legislative powers, to some adequate method of responsibility, as they must be in order to correct present evils, we shall have to choose between Socialism and anarchy: for the irresponsible tyranny of machine politics and of economic monopolies under their protection must end in one or the other of them. We have just three alternatives to Socialism: (1) We may organise all the interests of the economic world so as to set off one of them against the other. Whether this be possible or not I do not care or require to decide. It is simply one conception of the problem. (2) We may insist upon universal competition and the suppression of monopolies by the principles and policy of free trade. It is not necessary to speculate upon the methods for accomplishing this result. (3) We may shape the powers of government with a view to larger executive functions and more perfect responsibility,

so that we may either prevent the political and economic evils which give so much trouble or be prepared by the ability to secure better officials for the natural development which social and economic tendencies are supposed to necessitate. The system which I have proposed is at least an attempt to supply what is required by the last alternative, and while it does not exclude absolutely the assumption of government functions on a larger scale than at present, it may make Socialism either unnecessary or incapable of doing injury. But if men cannot get justice and freedom from the corruption of the present system without more powerful government, they will accept Socialism as an attempt to secure their ends. Mr. Spencer, after years of hope that this would not be the direction of development, has at last admitted in despair that it seems inevitable. We must have the political machinery either to conduct that system rightly, or to prevent its occurrence.

I have no *à priori* objections to Socialism as an abstract system of government. In fact it is theoretically ideal, but practical *only if you have a sufficient number of ideal men to guide its operations rightly and to prevent mistakes and injustice.* But we certainly either do not possess these requisites for any kind of Socialism, voluntary or involuntary, or we have no means of making unideal men responsible in the exercise of the enormous powers

required by such a polity. Until one or the other of these conditions is fulfilled we must regard Socialism as a system which disguises the methods of despotism under the cloak of humanity, and puts its powers in the hands of the "boss" and the mob.*

* As an illustration of the kind of officers we get for municipal government, and that democratic Socialism would give us, I may be permitted to quote from the *International Journal of Ethics* a passage by the manager of Hull House, Chicago, describing the career of one of the city's aldermen.

"The alderman of the Nineteenth Ward owns several saloons, one downtown, within easy access of the City Hall, where he can catch the more important of his friends. Here again he has seized upon an old tradition and primitive custom—the good-fellowship which has long been expressed when men drink together. The saloons offer a common meeting ground, with stimulants to free the wits and tongues of the men who meet there.

"Last Christmas, our alderman distributed six tons of turkeys, and four or more tons of ducks and geese; but each luckless biped was handed out either by himself or one of his friends with a 'Merry Christmas.' Inevitably some families got three or four apiece, but what of that? He had none of the nagging rules of the charitable societies, nor was he ready to declare that, because a man wanted two turkeys for Christmas, he was a scoundrel who should never be allowed to eat turkey again.

"There is an old story which the writer has many times heard, to the effect that a respectable candidate once tried to run against this popular alderman of ours, and was somewhat embarrassed by receiving an offer of help from the president of a large temperance society. He knew it would make him unpopular to be thus befriended, but he did not quite dare to refuse so moral

Monarchy was under some responsibility in the love of its emoluments which could remain permanent on good behavior and respect for justice. But democracy, in its present state of development, has no restraints, as it does not fear itself and has no

a backing. The president and several of the members made a vigorous campaign, speaking in his behalf almost every night at the various meetings, and impressively asserting that, if the reform candidate were elected, he would soon have all the saloons of the ward closed at ten o'clock at night. The candidate ventured to protest once or twice that he had not thought of going to that extreme, but this protest so shocked the temperance orators that he at last gave it up. Such a campaign naturally made him very unpopular, and he lost heavily. On the day of the election he was surprised to see the president of the temperance society at the polls, openly working for his rival. He was quite nettled enough by that time to challenge him fiercely, only to receive the spirited reply, 'I hope you weren't fool enough to think that I made those temperance speeches to help you along. I made them for the other man.' Of what use to protest? The president was quite willing to retire, both from the society and from temperance, for he had received an office in the City Hall.

"The alderman's wisdom was again displayed in procuring from downtown the sum of three thousand dollars wherewith to uniform and equip a boys' temperance brigade which had been formed in the ward a few months before his campaign. The question does, of course, occur to many minds, Where does the money come from with which to dramatise so successfully? The more primitive people accept the truthful statement of its sources without any shock to their moral sense. To their simple minds he gets it 'from the rich,' and so long as he again gives it out to the poor,

emoluments to defend except its passions and vices. If Socialism, then, is going to be the future type of government, with its control over industries and every function of civilisation, why not either prevent it, if dangerous, or make it harmless, if necessary, by that adjustment of integration and differentiation of political functions which will secure responsibility, intelligence, and honesty on the one hand, and a diminished influence for the mob on the other. The differentiated franchise, the increased powers of the executive, and the enormous influence of the Court of Impeachment are attempts to meet these demands, and I must leave both their theoretic-

as a true Robin Hood, with open hand, they have no objections to offer. Their ethics are quite honestly those of the merry-making foresters. The next less primitive people of the vicinage are quite willing to admit that he leads the 'gang' in the city council, and sells out city franchises; that he makes deals with the franchise-seeking companies; that he guarantees to steer dubious measures through the council, for which he demands liberal pay; that he is, in short, a successful boodler. But when there is intellect enough to get this point of view, there is also enough to make the contention that this is universally done; that all the aldermen do it more or less successfully, but that the alderman of the Nineteenth Ward is unique in being so generous; that such a state of affairs is to be deplored, of course, but that is the way business is done, and we are fortunate when a kind-hearted man who is close to the people gets a large share of the boodle. It is again the justification of stealing from the rich to give to the poor."

cal and their practical value to the judgment of political students.

If I am asked how I expect to get so large a scheme adopted, I can only reply that this is not my problem. I am simply engaged in the task of every political student who offers a conceivable remedy for some existing evil. He presents his theory of government and the machinery for running it, and leaves its adoption or rejection to society. I am not engaged in showing how men can be induced or compelled to accept any proposition for political salvation. My task is to propose a policy, not to beg votes. I have prescribed the medicine, and leave it to the patient to be taken or not as he pleases. The system may not recommend itself to those who fear to tell the truth to the masses. But if the intelligent classes became convinced that such a system as I have suggested is adequate to the purpose for which it is intended they might find the means to secure its adoption. If it be what is really needed it is absurd to say that we cannot get it. We never get anything except by hard work, especially in a democracy. The old adage, "Where there is a will there is a way," is as good in politics as in morals. Intelligent men ought to have as much courage to act vigorously in behalf of any approved scheme for good government as the mob has for its objects. The only criticism that can weigh is that the system is

worthless. If it is not strong enough to bear analysis and not good enough to accomplish its object, and if universal suffrage with its prospective appendages, the referendum and the initiative, and the universal election of *all* officials be the best result of experience, I should not care to be found against the proper tendency of evolution. But if the study of the political problem shows that some such institutions, involving the integration and differentiation of functions, as I have outlined them, are necessary and effective, the difficulties of the "practical" politicians, who know only to wheedle, flatter and deceive their constituents, will have to be overcome and their place supplied by men who have the courage either to educate the masses into the naked truth or to organise a revolution. If the system be the right one, and if nothing stands in the way of its adoption except the cowardice of the politicians and the headlong determination of the people to rush with the current over the precipice into anarchy, I for one do not care to rescue men from the consequences of their folly and madness. On the contrary, I should watch them plunge over into the gulf with a most malicious and vindictive pleasure. Once grant that civilisation can be saved by the reforms suggested, and intelligent men ought to discover a way to initiate them. They may not succeed by mere reasoning about the matter. If the politicians reasoned about government there

would be some hope. But theirs is a policy of "addition, division, and silence," of caucus, demagoguery, "pull," and defiance, of carrying on an absolute despotism under the forms of law; while the lovers of order and civilisation are trying a policy of "sweet reasonableness" on an army of brigands. "Bosses" and politicians do not reason: they act, and their opponents will have to adopt a similar policy. But the real problem for this work is whether such a scheme as I have proposed has any merits at all in the line of the evolution to which I appeal, and not whether it is practical after its theoretical value has been admitted. The true can always be made practical when it has been proved to be the truth.

I confess that my own doubts regard just this question, whether the system correctly conceives the proper tendencies of evolution. For, on the one hand, owing to the solidarity of social and economic interests established by our civilisation, the power of wealth has enormously increased in spite of democratic desires to restrain it, while it has cultivated many of the anti-social vices incident to intellectual and class pride, and some incursions upon the best results of the family, both of which, if true, might serve as a basis for doubt about the propriety of applying an economic qualification to the franchise and devolving more power upon the aristocratic classes of society. The intellectual classes

are often no better morally than the proletariat. Their ideals, which involve the pursuit of philosophy, of literature, of art, and various refined luxuries, while they live on salaries or judicious investments that make active co-operation in the world's work and the struggle for existence unnecessary, are too often purchased at the expense of the family and are often as selfish as the avaricious aims of the plutocracy, while they are mixed with an aristocratic pride and vanity that a healthy civilisation cannot tolerate in the management of its political affairs. On the other hand, the fact that the best social instincts are supplied by those who keep up population and who require protection against the abuses of political power that have been identified, in the past at least, with economic interests and class pride is a consideration in favour of a system that guarantees this portion of the community a chance in the struggle for existence. An aristocracy of intellect like an aristocracy of wealth often proves infertile as well as negligent of healthy physical and social life, while the disfranchised classes supply population and social instincts. Hence there is something to say for the retention of political power in the hands of the people who furnish the social as opposed to the individualistic elements of life. This principle I fully admit. But I should claim that the conditions which it represents are not found in either the plutocracy or the prole-

tariat. There is a limit to the social contributions of the proletariat, on the ground that it supplies population, and this is where it merges into the pauper and criminal classes. The proper supply of social instincts requires more than ability to furnish population. It includes the intelligence and ability to support it, moral willingness and economic capacity to meet responsibility, qualities which too many of the proletariat show no disposition to cultivate. On the other hand, there is also a limit to the individualism of the intellectual aristocracy, and this is where the economic interests have compromised with the family. It is the great middle class with its combination of economic and social interests that creates the hope of civilisation and good government. Consequently, the method of limiting the franchise which has been proposed is perfectly adjustable to these conditions, and will put the balance of power in that class which keeps the economic and social instincts in proper proportion. The complexity of the scheme does not seem an objection, because the problem is complex, and a simple solution of it impossible. The remedy must be commensurate with the difficulties to be removed. The principle of the remedy is simple enough, and it is only its application to several reforms at once that gives it either the appearance or the reality of complexity; especially to those who are accustomed to seeing only one thing done at a time. ✓

But I shall concede a point to critics whom I may anticipate. I have worked out the system to completeness for the sake of recognising how much has to be done. I am aware that so large a scheme cannot be adopted at once without the offer of one of those emergencies that follow an abrupt determination to make radical changes in a constitution. Graduation, continuity, and cautious experiment in limited changes are the best policy that does not involve violence against the prejudices and passions of the time. Hence either as an entering wedge to the general adoption of such a system, or as a reform which does as little violence as possible to the feelings of the age, though looking in the direction I suggest and affording an opportunity for useful experiment, the following measures might be adopted: (1) The universal adoption of civil service reform. (2) The appointment of legislative commissions with powers of investigation and report. (3) The establishment of a Court of Impeachment and Removal in municipalities with an increase in the mayor's powers of appointment. (4) The limitation of the franchise for the election of municipal officers. Put in this form the system will appear less formidable to theoretical critics and practical statesmen, and provision will be made for experience and development. If two or three of the measures proposed satisfy the conditions of the general problem and prove the value of more to complete its solution, they will be de-

manded with sufficient energy to secure their adoption. But to indicate the magnitude and complexity of the problem to be solved, the varied conditions under which action has to be taken, and the many radical reforms necessary to correct our tendency to anarchy, a whole scheme of government had to be presented for consideration, even at the risk of suspicion for its impracticability.

But whatever be thought of it as a practical scheme, it reflects a widespread feeling among the intellectual classes that our political institutions are not fulfilling the promises of their founders, and that something must be done to save the best conquests of civilisation. Having watched and nurtured laws and institutions that were intended to protect the rights of the individual against their sacrifice to some state Moloch on the one hand, and to political mercenaries on the other, they do not view democracy setting in thunder clouds without some fears for the future. They wish to retain, if not democratic forms of government, certainly democratic objects; namely, freedom and justice, and when they look at the menacing approach of political anarchy from experience with universal suffrage, they must be pardoned for their concern and condemned if they do not propose a way out of it. The present situation has been described over and over again. Briefly, it is constant encroachments by the legislature upon the executive, legislation under irre-

sponsible "bosses" for personal ends, black-mailing of corporations by politicians, and of society by corporations to recoup the plunder of the politician, or to accumulate ill-gotten gain, both of them very good imitations of the Spanish policy in the colonies which is terminating in the ruin of an empire; favours shown to special forms of business and industry, unjust taxation, the irresponsible conduct of our legislatures whose deliberations are the signal for alarm and confusion in the commercial world, and mass-meetings every week to frighten politicians into submission, libel, bribery, and lying in campaign work, government by perjurers, pugilists, and pimps, and political leadership by men who know no arts but those of Alcibiades and Catiline—all these and a hundred other facts like them create a profound and justifiable suspicion of institutions that confer the supreme power upon those who are equally unfit to govern themselves and others. The concern is all the more impressive and justifiable when we look at the present blind progress toward imperialism and colonial expansion without the slightest constitutional equipment for carrying out such a policy. If anything would establish the absolute unfitness of Congress to undertake this business, it is the ignorance, demagoguery and fatuous inconsistencies which that body displayed in its haste to bring about the present war with Spain. Only a little piece of good fortune exists that can

save Congress from universal reprobation. It can take an *ex post facto* shelter from the judgment upon its own iniquity by referring to the corruption and inhumanity of Spanish colonial policy. Such a body cannot safely enter upon empire with universal suffrage for capital and "bosses" for rulers. But this solicitude for civilisation and its inheritance is not a craving for arbitrary government. It is merely a warning fear that society cannot be saved by peaceful and constitutional methods. The situation is one that calls for action. If we parley we are lost. We have to choose, with the growing density of population and complexity of socio-economic interests, between government by intelligence and government by the mob under mercenary politicians. With tendencies running rapidly toward the latter, though nominally in constitutional forms, but really excluding every moral qualification for good government, intelligent men have no time to waste in merely barking at them. They have at least to propose a possible remedy for trial as the only alternative to violent revolution, which, though it be a century distant, can only bring the man on horseback for a law-maker.

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